1847.

SUPREME COURT OF THE UNITED STATES.

No 148.

THE UNITED STATES, APP'TS,

vs.

ARCHIBALD A. RITCHIE.

APPEAL FROM THE DISTRICT COURT U. S., FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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348.

OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered that on this Wednesday, the twenty-first day of January, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Archibald A. Ritchie, for the rancho de Suisun, was presented and ordered to be filed and docketed No. 3, and is as follows, to wit:

ARCHIBALD A. RITCHIE, claimant,
vs.
The UNITED STATES, defendant. } No. 3.

To the honorable commissioners to settle private land claims in California:

The petitioner, Archibald A. Ritchie, respectfully shows that on the twenty eighth day of January, A. D. one thousand eight hundred and forty-two, Juan B. Alverado, governor of the department of the Californias, by virtue of the authority of his office, granted to Francisco Solano the tract of land known by the name of Suisun, situate in the jurisdiction of Sonoma, and in the now county of Solano, comprising four square leagues of land (four sitios de ganado mayor) with the limits as shown in the map accompanying the petition of said Solano.

That on the third day of October, A. D. 1845, the departmental assembly of the department of California approved the said grant in the due form of law: copies of which petition, map, grant and approval are hereto annexed, marked A, with translation marked B.

The petitioner further shows that on the 10th day of May, A. D. 1842, the said Francisco Solano, by public act, sold and conveyed the said tract of land to Mariano Guadalupe Vallejo; a copy of which act of sale is hereto annexed, marked C, with a translation marked D.

That on the 29th day of August, A. D. 1850, the said Mariano Guadalupe Vallejo, and Francisca Benecia his wife, sold and conveyed the said tract of land to him, the said Archibald A. Ritchie, a copy of which conveyance is annexed hereto, marked F.

That at the time of the said grant to the said Solano, he, the said Solano, was in the actual use and occupation of the said land, and remained in possession until the sale thereof to Vallejo; at which time the said Vallejo took possession thereof, and was in its actual use and occupation until he sold it to the said Ritchie, who by said sale and actual occupation became seized and possessed of the said tract of land.

That the said Solano, the original grantee of said tract of land, and the said M. G. Vallejo, the purchaser from Solano, have done and performed in the due forms of law all the requirements of said grant necessary to make the grant aforesaid full, perfect, and absolute.

That the petitioner knows of no interfering claim.

That judicial possession was given of the land in the year 1842, in or about the month of April.

That the land has not been surveyed by the surveyor general of the United States, but the same has been frequently surveyed, and the boundaries are definite and well known.

The petitioner relies for confirmation of his title upon the original papers, copies of which are hereto annexed; upon the documents and minutes concerning the same in the archives in the possession of the surveyor general; upon proof of judicial possession, and such other proofs as he may be advised are necessary.

Wherefore he prays the commissioners to decide upon the validity of said grant to the said Francisco Solano, and to confirm the same to himself.

By his attorneys,

(Signed) HALLECK, PEACHY & BILLINGS.

Filed, Jan'y 21st, 1852.

J. B. CARR, *Secretary.*

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

THURSDAY, *March* 18*th*, 1852.

In case No. 3, Archibald A. Ritchie, the deposition of Manuel Baca, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed, and is in the words and figures following, to wit: (Vide page 58 of this transcript.)

FRIDAY, *March* 19*th*, 1852.

In case No. 3, Archibald A. Ritchie, the deposition of Marcos Baca, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed, and is in the words and figures as follows, viz: (See p. 62 of this transcript.)

In the same case, the deposition of Julio Carrello, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed, and is in the words and figures as follows, to wit: (Vide page 63 of this transcript.)

SATURDAY, *March* 20*th*, 1852.

In case No. 3, Archibald A. Ritchie, the deposition of Salvador Vallejo, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed, and is in the words and figures as follows, to wit: (Vide page 65 in this transcript.)

MONDAY, *March* 29*th*, 1852.

In case No. 3, Archibald A. Ritchie, the deposition of Manuel Jimeno, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed, and is in the words and figures as follows, to wit: (Vide page 67 of this transcript.)

FRIDAY, *May* 7*th*, 1852.

In case No. 3, Archibald A. Ritchie, the deposition of Salvador Vallejo, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed, and is in the words and figures as follows, to wit: (Vide page 82 of this transcript.)

SATURDAY, *June* 12*th*, 1852.

In case No. 3, Archibald A. Ritchie, the deposition of Jacob P. Leese, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed, and is in the words and figures as follows, to wit: (Vide page 92 of this transcript.)

TUESDAY, *June* 15*th*, 1852.

Case No. 3, Archibald A. Ritchie, was set for hearing in its order, and placed on the trial docket.

FRIDAY, *August* 6*th*, 1852.

In case No. 3, A. A. Ritchie, the deposition of M. G. Vallejo, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed, and is in the words and figures as follows, to wit: (Vide page 86 of this transcript.)

MONDAY, *September* 20*th*, 1852.

In case No. 3, Archibald A. Ritchie, the deposition of Pablo de Guerra, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed, and is in the words and figures as follows, to wit: (Vide page 88 of this transcript.)

In the same case, the deposition of Pablo de la Guerra, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed, and is in the words and figures as follows, to wit: (Vide p. 89, of this transcript.)

THURSDAY, *December* 23*d*, 1852.

Case No. 3, Archibald A. Ritchie called. The counsel for the claimant opened the argument, and the case continued for argument to Monday morning next, 27th instant, at 11 o'clock.

MONDAY, *December* 27*th*, 1852.

Case No. 3, Archibald A. Ritchie called. Argument by the U. S. law agent commenced and concluded; case submitted with the evidence, and taken under advisement by the board.

MONDAY, *January* 3, 1853.

In case No. 3, Archibald A. Ritchie, Commissioner Harry J. Thornton delivered the opinion of the board and the decree of final confirmation.

Ordered, That the opinion and decree of final confirmation of this board, delivered this day in this case, be recorded on the journal.

Which opinion and decree are in words and figures as follows, to wit:

ARCHIBALD A. RITCHIE, assignee and cr.,
vs.
THE UNITED STATES.
} No. 3, "Suisun."

Opinion by Commissioner Harry J. Thornton.

The claim in this case presented is founded on a grant made on the 28th of January, 1842, by virtue of the decree of the Mexican congress of the 18th of August, *of August*, 1824, and of the executive ordinance of the 21st of November, 1828, by Juan B. Alverado, governor of California, to Francisco Solano; which grant, on the 3d of October, 1845, was approved by the departmental assembly of California. In accordance with the usual requirement, within the year of the grant an accurate measurement of the land was made, and judicial possession thereof delivered to the grantee. Prior to the petition for the grant in full property, as early as 1837, the grantee was put in possession of the identical land under a provisional title by General Vallejo, who was military commander of the northern frontier and director of colonization. Whilst thus in possession, Solano built upon the premises a large dwelling-house, a number of large store-houses, and small ones for his people and retainers. He enclosed and cultivated considerable portions of the land, and occupied other portions with his herds of cattle and horses. The present claimant derives his interest in the land through mesne conveyances from the grantee and those claiming under him; the peaceable occupation and uninterrupted enjoyment of the premises has been had from the year 1837 down to the acquisition of the country by the Government of the United States. The genuineness of the grant, the authority of the grantor, as well as all the facts above cited, are fully established by duly authenticated transcripts from the public archives of the former governments, and by other evidence on file in this case. The proceedings in this instance, from their incipient state to the final consummation of the title by the grant of the full property, and the performance of all the conditions annexed, are so regular and complete, that the only objections to the confirmation of the claim which have been suggested are to the capacity of the grantee to receive a grant of land or to dispose of it by alienation, as was done in this case. It must be conceded that a grant made in California, in violation of the public law of Mexico, in virtue of which it purports to be made, is void, and that the land thus attempted to be granted will remain a portion of the public domain. The sup-

posed illegality of this grant consists in a fact which, if not necessarily inferable from the grant itself, is abundantly verified by the record; that is, that the grantee was an Indian, born on the spot which he solicited. In the grant he is declared to be "indiginer," which means a native or original inhabitant, and also to be chief of the tribes of the frontiers of Sonoma.

It must be observed that private property, if it be not founded on natural law, is at least so well established by the common consent of all mankind, that it is coeval with the history of our race, and has now all the force of a law of nature. We may consider it then as of the dignity of a law of nature that all persons of the human species who are not idiots, madmen, or infants, are capable of accepting property; and that full property in any subject is the right to use it to any purpose, and to dispose of it as we please. That there is no incompetency in the grantee in this case by the general law of nations, there is no doubt. He is one of the human species; he is neither an idiot, a madman, nor of such infantile age as not to have attained to the exercise of a rational volition; on the contrary, the record shows that in a more than ordinary degree, with the attributes of an elevated moral and intellectual character. He was a commissioned officer of the grade of captain in the Mexican service. The governor of California, who, by the 2d and 3d articles of the ordinance of the 21st of November, 1828, was the person designated to pass upon the qualifications of the applicants for land, states that he was "a chief of the tribes of the frontiers of Sonoma," and "worthy of reward for the quietness which he caused to be maintained by that unchristanized people." It is true that the general law on this matter is subject to such municipal modifications as may be made by the legislative authority of different nations; and that such modifications have been often made, must also be submitted.

The question is, whether any such decree or municipal regulation existed in Mexico at the date of this grant as forbad the grantee in this instance to be the recipient of a donation of land, or would forbid its alienation by him any more than by any other grantee.

The learned counsel in this case have extended their researches with most commendable industry and discrimination into the various sources of Spanish and Mexican law on this interesting subject. Want of time only prevents me from making that thorough examination to which the arguments submitted so persuasively invite. I have however taken a view of the question which has led my mind to a satisfactory conclusion, and I will submit it with as much conciseness and brevity as the pressure of time will allow.

The plan of Iguala, which is the first stable landmark, amid the continued mutations that agitated the country from 1810, at least to the 27th of September, 1821, is based upon what has always been known in the history of those times as "the Three Guarantees," which were the independence of the country, the exclusive maintenance of the catholic religion, and the abolition of all distinction between the inha-

bitants, founded on race or descent. The last of these guarantees, which is the only one now to be regarded, is contained in the 12th article of the said plan, and is in the following words: "That all the inhabitants of New Spain, without any distinction between Europeans, Africans, or Indians, are citizens of this monarchy, with eligibility alike to every employment according to their merit and virtue." By the treaty of Cordova, between the Spanish generalissimo and the revolutionists, which was adjusted on the 24th of August, 1821, the plan of Iguala was re-affirmed in all its parts. In the declaration of independence, solemnly promulgated on the 28th of September, 1821, the plan of Iguala and the treaty of Cordova are announced as the basis of the government about to be established. By an express decree of the constituent congress, on the 17th of September, 1822, in the reign of Iturbide, under the title of Augustin the 1st, the fulfilment of the 12th article of the plan of Iguala above quoted was enforced by a strong and pointed enactment. And lastly, on the 8th of April, 1823, on the overthrow of the empire and the establishment of republications, the constituent congress re-affirm "the three guarantees" of the plan of Iguala.

The Indian Francisco Solano is expressly within the letter of the last enumerated guarantee, so early announced and so perseveringly recognised and re-affirmed through all the vicissitudes of her revolution down to the final establishment of the Republic of Mexico.

There is no constitutional provision, nor decree of the Mexican republic, which I have been able to find, that destroys the equality of civil and political rights which is conferred upon all the inhabitants of New Spain by the plan of Iguala, in which they are all declared to be "citizens of this monarchy." All who were citizens of the monarchy—in the sense of the term citizen as used in the plan of Iguala—I presume became successively citizens of the empire and of the republic. I think it may then be legally predicated of Solano, that he was a citizen of the republic; and in view of all the laws which we have just adverted to, stood on the same footing with any other citizen with regard to the acquisition and alienation of property. But, notwithstanding the necessary concession that he was a freeman, a native inhabitant of the territory, a citizen of the republic, and capable generally of acquiring and alienating property, yet that he is incapable of becoming a grantee under the decree of 1824, and ordinance of 1828, because he is not of the description of persons mentioned as the recipients of lands therein.

By the 1st section of that ordinance, the political chiefs of the territories are authorized to grant vacant lands to empresarios, families, to single individuals, Mexicans or foreigners. It is said that Solano is in neither of those categories. He is clearly not an empresario, nor a family, nor a foreigner. If embraced in the decree, then he must come under the class Mexicans. I think it can be demonstrated that Solano is a Mexican. All Indians by the plan of Iguala are declared to be citizens of the monarchy; all citizens of the monarchy became citizens

of the republic; so that Solano became a citizen. And surely there can be nothing more than a mere verbal difference between the terms Mexicans, in the sense of the ordinance, and citizens of Mexico.

I will only add in conclusion, that as to the legality of the grant to the Indian chief and Mexican captain, Francisco Solano, although the question involves the propriety of the conduct of the governor who made it, yet the presumption is in favor of the correctness of his construction of the ordinance, which he was appointed to administer, and will stand until rebutted by clear evidence of its error. And as to the right and capacity of Solano to alien the land granted to him, the usage as proved in the case was for Indians holding full property to dispose of it in the same manner as *as* other citizens of the country.

In view of all which, and in accordance with the principles laid down for our government, in the act of 3d March, 1851, the claim is declared to be valid and ought to be confirmed.

In this result Commissioner Hall concurs.

We therefore enter the final decree of confirmation, viz:

(Signed) HARRY J. THORNTON.

This board, upon full consideration of the various grounds affecting the validity of the said claim, having come to the conclusion that the same is valid:

Therefore, now proceeds to make and does hereby make the following decree or report of final confirmation, viz: It is decreed that the said claim be confirmed to the claimant, to the extent and quantity of four square leagues, or sitios de genado mayor, and for no more; being the same grant described in the grant and expediente referred to therein, and of which possession is proved to have been held and enjoyed under the grant by the grantee and those claiming under him: Provided, that the said quantity of land granted and now here confirmed be contained within the boundaries called for in the said grant and map to which the said grant refers; and if there be less than the said above named quantity within the said bounds, then we confirm to the claimant that less quantity; it being apparent that said quantity exceeds the minimum of 200 varas, as prescribed in the ordinance of the 21st of November, 1828.

Witness our hands, this 3d of January, 1853.

(Signed) HILAND HALL,
" HARRY J. THORNTON,
Commissioners.

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS, *San Francisco, March 18th*, 1852.

No. 23. (Copy.)

SAMUEL D. KING, ESQ., *Surveyor General:*

SIR: There is pending before the board of commissioners a petition in favor of Archibald A. Ritchie, being No. 3 on the docket of the

board, claiming a tract of land, under a grant from Governor Juan B. Alverado to Francisco Solano, dated January 28th, 1842, which tract of land is called "Suisun," jurisdiction of Sonoma, and is described as follows, viz: from the Portizuilo to the Salinas (salt works) of Sicha—said land containing four sitios de genado mayor, (4 square leagues,) sittuate in the county of Solano.

Will you please inform the board whether the Mexican archives in your office show that such a grant was made; whether it was approved by the territorial or departmental deputation, and when; whether the papers relating to said grant appear in all respects fair and genuine, and whether any particular circumstances have come to your knowledge calculated to cast suspicion on the fairness and validity of the claim.

Very respectfully, yours,

(Signed) GEO. FISHER, *Secretary.*

SURVEYOR GENERAL'S OFFICE,
SAN FRANCISCO, *March 2d*, 1852.

To the Secretary of the Commissioners of California land claims.

SIR: In reply to your inquiry, No. 23, I have the honor to state that there is among the archives in this office an expediente, No. 266, purporting to show that such a grant was made as is specified in your inquiry.

Said document shows the approval of the departmental assembly, October 3d, 1845.

The papers appear fair and genuine, and I know of nothing among said archives calculated to cast suspicion thereon.

Respectfully, yours,

SAMUEL D. KING,
Surveyor General.

Filed in office, March 23d, 1852.

(Signed) GEO. FISHER, *Sec'y.*

Expediente.

Promovido por el indigena Fran'co Solano en solicitad del parage conocido con el nombre de "Suisun."

Sello tercero—Dos reales.

Habilitado provisionalmente por la aduana maritima del puerto Monterey, en el departmento de las Californias, para los años de mil ochocientas cuarenta y mil ochocientos cuarenta y uno.

ANTONIO MARIA OSIO.

ALVARADO.

Rehabilitada por la misma para el año de mil ochocientos cuarenta y dos.

ANTONIO MARIA OSIO.

[SELLO.] ALVARADO.

Ex'mo S'or Gob'or.

El infrascripto vicino de Sonoma ante V. E. con el mas humilde respecto se presenta y suplica, que en virtude de las derichas y le asisten como constan en la adjunta solicitad y del decreto marginal de la misma paseo de echo el terreno conocedo, con el nombrede Suisun con sus dependencias; y para asegurar y legarlizar decha propiedad rendidamente impetra de V. E. y alendrendo al referido documento adjunto se servar & torgale el correspondiente titulo legal de concecion perpetua y hereditario del mencionado terreno para que en ningun tiempo, ni el suplicante ni sus herideros sean perturbados en pacifico goze de su propietad.

P. S. á V. E. ruego se dignuestor garle la muced que implora porando no ser de malicia y lo necessario.

Monterey, Eno. 15, de 1842.—Como apadarada del solicitante.
(Firmado.) JUAN ANTONIO VALLEJO.

Monterey, *Enero* 28, *de* 1842.

Vista la peticion con que da principio este espediente el informa del Sr. Comand'te General y las meritas y servicios que ha prestado en la frontera de Sonoma, el indigena llamado Franc'o Solano lo declaro dueño en propiedad dueño de parage nombrado Suisun, en estencion de cuartro sitios de genado mayor y bajo los limitas que emnestra el diseno respectivo estandase el dispacho correspondiente con las condiciones estipuladas y derajase este espediente á la ex'ma junta departmental para su aprobacion. El Sr. Dn. Juan B. Alverado, gob'nor constitucional del departmento de las Californias aselo mandó dientó y firmó, que doy fee.

Sonoma, *Enero* 18, *de* 1837.

El q. subscribe concede interrina y provisionamente a Franc'o Solano, gefe de las tribas de esta frontera, y cap'n del Suisun el terreno de este nombre por portenicerle de dericho natural y por que lo esta poseyendo actualmente. Dicho terreno se comprende desde el por tezuello hasta las salirias de secha, el interesado solicitará las titulas de estilodel Gob'o del Estado, pa. que se hagan valederas sus d'hos segun el nuebo orden de colonizacion.

(Firmado.)
M'NO G. VALLEJO.

S'or Comand'te G'ral.

Franc'o Solano, gefe pral de los indios gentiles y capt'n naturel del Suisun, ante V. S. como mayor convinga esponé que siendo libre y teniendo bastante numero de genado bacuno caballar p'a fundar un rancho solicitude la victa justicia y bondad de V. S. se digne concierle el terreno del Suisun con sustienas conocidas que seran poco maso, me nos cuartro sitios de genado mayor desde el portizuelo hasta la salina de sicha. Dicho terreno ó me pertinese por dericho hereditario de mispa dres y actualmentes poseo asi mismo quisiendo revalidar mas derichas segun las leges vejientes de nuestra republica y de colonizacion altimaenente de entadas por.

El Sup'r Gob'o.

Por S. á V. S. suplico se digne concederme el terreno que pido y sacar me de donde conocerga los titulos que sean necesarios p'a mi segundad serviendose admittir en papel comun por no haber en este lugar del sello que corresponde.

(Firmado) FRANC'O SOLANO.

Sonoma, Enero 16, de 1837.

Juan B. Alverado, gobernador constitucional del departmento de las Californias.

Por cuanto el indigena Franc'o Solano ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de "Suisun," de donde as naturel y gefe de las tribas de la frontiera de Sonoma, y acredor al mercem'to por el sociego que procura manterur ha agalla gentilitad; practicadas previamente las diligencias y arenguaciones conservientes segun lo dispuesto por legues y seglamentas usando de las facultades que me son conferidas a nombrede la nacion Mejicanda he viendo en concederle el torreno mencionado declarondole la propiedad de el por las presentes litras sugetendose a la aprobacion de la ex'ma junta departmental y folio las condiciones seguientas:

1o. Padra sercarlo sin prejudicar las trancias cammos y servidumbres lo disfratara libre y escensionamente destinando lo al uso ó cultivo que las me acomode pero dentro de maño fabricará casa y estara habitadá.

2o. Solicitará del juez respectivo que le de la posicion poridica en veritud de este despacho por al cual se demarcaran los linderos, en cuejos limites pondra á mas de las mojoneras algunas arboles frutarlos ó silvestras de alguna utilidad.

3o. El terreno de que se hace menciones de cuatro sitios de genado mayor con los limites que demuestra el deciño que se acompaña en el espediente respectivo. El juez que diere la posicion la hara meder conforme a ordenanza que dando el sobrante que resulte a la nacion para los usos convenientes.

En consecuencia mando que teniendo se por firme y valedero el presente se torne razon de el en el libro a que corresponde y se entre que al interresado para resguardo y demas fines.

Dado en Monterey, a viente y ocho de Enero, de mil ochocientos cuarenta y dos.

Angeles, *Agosto* 3, *de* 1845.

Dado cuenta en secion de hoy con este espediente a la ex'ma asemblea departmental le mando pasar a la comision de terrenos baldios.

(Firmado) PIO PICO, *Presid'te.*
AGUSTIN OLVERA, *S'rio.*

Ex'mo S'or.

La comision de terrenós baldios se ha se impuesta del expediente promovido por el indigena Franc'o Solano, en pretencion del parage

conocido con el nombre de Suisun, y satisfacha la comision de q. las diligencia practicadas en dicho espediente fieran bastantes pa. que el superior gobierno habiesse concedido el mencionado parage pone a la deliveracion de V. E. la seguiente proposicion:

Se aprueba la concesion hecha por el superior gobierno del departmento en titulo, legalmento librado con f'ha 28 de Enero, de 1847, en favor del indigena Franc'o Solano, del parage conocido con el nombre de "Suisun" cito en la jurisdicion de Sonoma de conformidad con la ley de 18 de Agosto, de 1824, el articulo 5° del reglamento de 21 de Nobiembre, de 1828.

Sela de comisiones en la ciudad de los Angeles, Setiembre 29, de 1845.

(Firmado) NARCISSO BOTELLA,
FRANC'O DE LA GUERRA.

ANGELES, *Octubre 3d, de* 1845.

En sescion de hoy se approbo por la ex'ma assemblea departmental la proposicion del precedente dictamen mandando se de cuelra el expediente original al C. S. gobernador para las fines convenientes.

(Firmado) PIO PICO,
AGUSTIN OLVERA, *S'rio.*

En lo propia f'ha se libros a la parte la copia respectiva.

OFFICE OF THE SURVEYOR GENERAL
FOR THE STATE OF CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and as such now having in my office and under my custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify, that the above preceding and hereunto annexed pages of tracing paper, numbered from one to eleven inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents on file, and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name officially and affixed my private seal, (not having a seal of office,) at the [SEAL.] city of San Francisco, Cal., the 14th day of August, 1852.

(Signed) SAM'L D. KING,
Sur. Gen., Cal'a.

Filed in office, Sept'r 11th, 1852.

(Signed) GEO. FISHER, *Secretary.*

[For map see original, page 27.]

Expediente caused by the aboriginal (indigena) Francisco Solano, soliciting the place known by the name of Suisun.

1,266.1

Third stamp—two reals.

Authorized provisionally by the maritime custom-house of the port of Monterey, in the department of the Californias, for the years one thousand eight hundred and forty and one thousand eight hundred and forty-one. (Signed) ALVERADO,
ANTONIO MARIA OSIO.

Re-authorized by the same for the year eighteen hundred and forty-two. (Signed) ALVERADO,
ANTONIO MARIA OSIO.

[SEAL.]

To his excellency the Governor.

The undersigned, a resident of Sonoma, respectfully appears before your excellency and representation makes, that in virtue of the rights which belong to him, as shown in the annexed petition and the marginal decree, he is in actual possession of the land known by the name of "Suisun," together with its dependencies; and in order to secure and legalize said ownership, he humbly petitions that your excellency, in consideration of the document referred to, may be pleased to grant him the corresponding title of concession perpetual and hereditary of the aforesaid land, in order that in no time may the petitioner or his heirs be molested in the pacific enjoyment of his property.

Wherefore your petitioner prays that your excellency will deign to grant him the favor which he asks for, he swearing that he is actuated by no malice, and such other oath as is required, &c. &c.

Monterey, January 15th, 1842.

As attorney of the petitioner,
(Signed) JUAN ANTONIO VALLEJO.

MONTEREY, *January 28th*, 1842.

In consideration of the petition at the beginning of this expediente, the report of the commandant general, and the merits and services of the Indian called Francisco Solano, rendered on the frontier of Sonoma, I declare him to be owner in fee of the place called "Suisun," in extent four square leagues, and with the boundaries shown in the corresponding map. The corresponding patent will be made out, and this expediente directed to the most excellent departmental junta for its approbation.

Juan B. Alverado, constitutional governor of the department of the Californias, thus ordered, decreed, and signed. Of which I certify.

To the Commandant General.

Francisco Solano, principal chief of the unconverted Indians, and born captain of the "Suisun," in due form, before your honor, represents: that being a free man, and owning a sufficient number of cattle and horses to establish a rancho, he solicits from the strict justice and

goodness of your honor, that you be pleased to grant him the land of the "Suisun," together with its known appurtenances, which are a little more or less than four square leagues from the "Portzuela to the Salina de Sucha." Said land belongs to him by hereditary right from his ancestors, and he is actually in possession of it, but wishes to revalidate his rights in accordance with the existing laws of our republic and of the colonization recently decreed by the supreme government.

He therefore prays that your honor be pleased to grant him the land which he asks for, and to procure for him from the proper sources the titles which may be necessary for his security, and that you will also admit this on common paper, there being none of the corresponding stamp in this place.

Sonoma, January 16th, 1837.

(Signed) FRANCIS SOLANA.

SONOMA, *January* 18*th*, 1837.

The undersigned grants temporarily and provisionally to Francisco Solano, chief of the tribes of this frontier and captain of the Suisun, the lands of that name as belonging to him by natural right and actual possession. Said land is comprehended between the "Portzuela and the Salina de Secha." The party interested will ask from the governmental of the State the usual titles, in order to make valid his rights in conformity with the new order of colonization.

(Signed) M. G. VALLEJO.

Stamp first—six dollars.

Provisionally authorized by the maritime custom-house of the port of Monterey, for the years 1839 and 1840.

(Signed) ALVERADO,
ANTONIO MARIA OSIO.

Good for the year 1842.

(Signed) ALVERADO,
ANTONIO MARIA OSIO.

Juan B. Alverado, constitutional governor of the department of the [SEAL.] Californias:

Whereas the aboriginal Francisco Solano, for his own personal benefit and that of his family, has asked for the land known by the name of "Suisun," of which place he is a native and chief of the tribes of the frontiers of Sonoma, and being worthy of reward for the quietness which he causes to be maintained by that unchristianized people, the proceedings and examinations having previously been made as required by the laws and regulations, using the powers conferred on me in the name of the Mexican nation, I have granted to him the abovementioned land, adjudicating to him the ownership of it by these presents, it being subject to the approval of the most excellent departmental junta, and to the following conditions, to wit:

1st. That he may enclose it without prejudice to the crossings, roads, and servitudes, and enjoy it freely and exclusively, making such use or cultivation of it as he may see fit, but within one year he shall build a house, and it shall be inhabited.

2nd. He shall ask the magistrate of the place to give him juridical possession of it, in virtue of this order, by which the boundaries shall be marked out, and he shall place in them besides the landmarks some fruit or forest trees of some utility.

3d. The land herein mentioned is to the extent of four sitios de ganado mayor, (four square leagues,) with the limits as shown in the map accompanying the respective expediente. The magistrate who gives the possession will have it measured according to ordinance, leaving the excess that may result to the nation for its convenient uses.

4th. If he should contravene these conditions he shall lose his right to the land, and it may be denounced by another.

In consequence, I order that these presents be held firm and valid; that a register be taken of it in the proper book, and that it be given to the party interested for his voucher and other purposes.

Given this twenty-eighth day of January, one thousand eight hundred and forty-two, at Monterey.

ANGELOS, *August* 3*d*, 1845.

An account of this expediente having been given this day to the most excellent departmental assembly, it ordered the same to be referred to the committee on vacant lands.

(Signed) PIO PICO, *President.*
(Signed) AUGUSTIN OLVERA, *Sect'y.*

MOST EXCELLENT SIR:

The committee on vacant lands has ordered the expediente, formed at the instance of the Indian, (Indigena,) Francisco Solano, for the place known by the name of "Suisun," and being satisfied that the proceedings had in the said expediente were sufficient for the purpose, that the superior government should have granted the said place, offers to the deliberation of your excellency the following proposition:

The grant made by the superior government of the department by a title legally issued, with the date 28th January, 1842, in favor of the Indian, (Indigena,) Francisco Solano, of the place known by the name of "Suisun," and situated in the jurisdiction of Sonoma, in accordance with the law of the 18th of August, 1824, and article 5 of the regulations of November, 1828, is approved.

Hall of the committee, in the city of Los Angelos, September 29th, 1845. (Signed) FRANCISCO DE LA GUERRA.
(Signed) MARCESO BARTELA.

ANGELOS, *October* 3*d*, 1845.

In session of this day, the proposition of the foregoing report was approved by the most excellent departmental assembly, ordering the ori-

ginal expediente to be returned to his excellency the governor for the suitable purposes.

(Signed) PIO PICO, *President.*
(Signed) AUGUSTIN OLONA, *Secretary.*

On the same day the proper copy was issued to the party interested.

I certify the foregoing to be a true and correct translation from an authentic fac-simile copy of the original Spanish expediente on file in the office of the United States surveyor general for California; which fac-simile copy is on file in this office, in case No. 3, Archibald A. Ritchie, for the place named "Suisun."

(Signed) GEO. FISHER, *Secretary.*

Filed in office, December 27th, 1852.

(Signed) GEO. FISHER, *Secretary.*

Sello 1o.—Seis pesos.

Habilitado provisionalmente por la aduana maritima de Monterey, para los años 1839 y 1840.

[SELLO.] Valeja para el año de 1842.

ALVERADO,
ANTONIO M'A OSEO.

Juan B. Alverado, gubernador constitucionel del departmento de las Californias:

Por cuanto el indigener Francisco Solano, ha presentido para su beneficio personal y el de su familia el terreno conocido con el nombre de "Suisun," de donde es natural y gefe de las tribas de California de Sonoma, y acredor al merecim'to por el sociego que procura manterar ha aquella gentilidad; practicados previamente las diligencias y aresequaciones conseminentes seque su dispuerto por legues y reglamentos; usando de las facultades que me son conferidas á nombre de la Mexicana nacion he viendo concederle el terreno mencionado declarandole la propriedad de el. Por las presentas letras sugetenderse à la aprobacion de la ex'ma junta departmental y bago las condicion es seguentes:

1o. Para sercalo sin perjec-perjudicar las trávecias, caminos y servidumbris; la desfutará libre y exclusivamente, destinandolo alerso ocultivo que mas le acomode pero dentro denaño fabricana casa y estará habitado.

2o. Solicitará del juez respectivo que se de la posecion juridica su virtad de este despadro, por el cual se demarcardá los lendoros en cuyos lindes pondrá á mas de las majoneras algunos arboles frutades ó silvestres de alguna solicitad.

3o. El terreno de que se hace menciones de cuatro sitios de genado mayor, con los limites que denuestran el deceno que se accompena en el espediente respectivo. El juez que de se la posecion lo hara sueden conformedor denanza, que dando el sobrante que resulte á la nacion para los usos convenientes.

4o. Le contraviniere á estos condiciones pordera su derecho al terreno y sera denunciable por otro.

En consecuencia mando que teniendose por firme y valedero el presente se tome razon de el en el libro á que corresponde y se entre que al interresado para su res quando y de mas fines dado en Monterey, á vinte y ocho de Enero, de mil ochocientos cuarenta y dos.

(Firmado) JUAN B. ALVERADO,
" MANUEL JIMENO, *S'rio.*

Jueda tomada razon de este despacho en el libro de á cientos sobre adjudicacion ad. terrenos baldios á fac. 9.

(Firmado) JIMENO.

El ex'mo lt. gobernador ha despuesto se tome razon de esta concecion en la prefectura del 1'er destrito.

(Firmado) JIMENO.

Tomase razon.

(F'ado) ESTRADA.

Jueda tomada razon de este sup'm titulo en el cuardermo respectivo de esta pref'a.

Monterey, Feb'o 4, de 1842.

(Firmado) JOSE M. CASTANARES,
S'rio Interino.

Pio Pico, gobernador interino del departamento de las Californias.

La honorable assemble á departamental en sesion de hoy ha accordado lo seguiente:

Se apruerva la concession hacha por el superior goberno del departamento en titulo legalmente librado con fecha 28 de Enero, de 1842, en favor del indigena Francisco Solano, del paraje conocido con el nombre de "Suisun," sito en la jurisdiccion de *de* Sonoma, de conformidad con la leyes de 18th de Agosto, de 1824, y el articulo 5o del reglamento de 21 de Noviembre, de 1828.

Y para resguardo de la parte de Francisco Solano lo hago asi saber.

Dado en la ciudad de Los Angelos, en este papel comme por falta de sellado á s'rio, de Octubre, de mil ochocientos cuarenta y cinco.

(Firmado) PIO PICO,
" JOSE M'A CORUNUBRAS, *S'rio.*

Filed in office, December 27th, 1852.

(Signed) GEO. FISHER, *Secretary.*

Stamp first—Six dollars.

Provisionally authorized by the maritime custom-house of Monterey, for the years 1839 and 1840.

(Signed) ALVERADO,
" ANTONIO M'A OSIO.

Good for the year 1842.

(Signed) ALVERADO,
(Signed) ANTONIO M'A OSIO.

[SEAL.] Juan B. Alverado, constitutional governor of the Department of the Californias.

Whereas the aboriginal Francisco Solano, for his own personal benefit and that of his family, has asked for the land known by the name of "Suisun," of which place he is native and chief of the tribes of the frontiers of Sonoma, and being worthy of reward for the quietness which he caused to be maintained by that unchristianized people; the proper proceedings and examination having previously been made as required by the laws and regulations; using the powers conferred on me in the name of the Mexican nation, I have granted to him the above mentioned land, adjudicating to him the the ownership of it. By these presents it being subject to the approbation of the most excellent departmental junta, and to the following conditions, to wit:

1st. That he may enclose it without prejudice to the crossings, roads, and servitudes, and enjoy it freely and exclusively, making such use and cultivation of it as he may see fit; but within one year he shall build a house, and it shall be inhabited.

2nd. He shall ask the magistrade of the place to give him juridical possession of it in virtue of this order, by whom the boundaries shall be marked out, and he shall place in them, besides the landmarks, some fruit or forest trees of some utility.

3d. The land herein mentioned is to the extent of four "sitios de genado mayor," (four square leagues,) with the limits as shown on the map accompanying the respective expediente. The magistrate who gives the possession will have it measured according to ordinance, leaving the excess that may result to the nation for its convenient uses.

4th. If he shall contravene these conditions, he shall lose his right to the land, and it may be denounced by another.

In consequence, I order that these presents be held firm and valid, that a register be taken of it in the proper book, and that it be given to the party interested for his voucher and other purposes.

Given this twenty-first day of January, one thousand eight hundred and forty-two, at Monterey.

(Signed) JUAN B. ALVERADO,
" MANUEL JIMENO, *Secretary.*

A register of this despatch has been taken in the book of entries of grants of vacant lands, fol. 9.

(Signed) JIMENO.

His excellency, the governor, has ordered that the grant be registered in the prefecture of the first district.

(Signed) JIMENO.

Let it be registered.

(Signed) ESTRADA.

[REC. CXLVIII, D. T., 1853.]—3

Register has been taken of the superior title in the respective books of this prefecture.

(Signed) JOSE MA. CASTANARES,
Sec. ad interim.

Monterey, February 4th, 1842.

Pio Pico, governor ad interim of the department of the Californias.

The honorable departmental assembly in session this day passed the following:

The grant made by the supreme government of the department by title legally issued under date of 28th of January, 1842, in favor of the "aboriginal" Francisco Solano, of the place known by the name of "Suisun," situate in the jurisdiction of Sonoma, and in conformity with the law of the 18th of August, 1824, and article 5th of the regulations of the 21st November, 1828, is approved.

And for the security of the party, Francisco Solano, I thus make it known. Given in the city of Los Angelos, on this common paper for the want of stamped paper, October third, one thousand eight hundred and forty-five.

(Signed) PIO PICO.
JOSE MA. COVARUBILAS,
Secretary.

A correct translation.
(Signed) GEORGE FISHER, *Secretary.*

Filed in office, Jan. 21, 1852.
(Signed) GEORGE FISHER, *Secretary.*

TERRITORY OF CALIFORNIA,
District of Sonoma.

Before L. W. Boggs, alcalde, July 28th, 1847.

M. G. VALLEJO
vs.
FRANCISCO ARMIJO.

Action of trespass.

Summons issued returnable on the 3rd Monday in August, 1847. Subpœna issued in blank for defendant's witnesses. Subpœnas issued for the following persons, witnesses on the part of the plaintiff. Cayetano Juarez, Julio Carrillo, Salvador Vallejo, Francisco Solano, Jose Chamico Marciso, Fortenetta, Theodoro Mivanda, Francis Jalappa, Jacob. Leese, Jose de la Rosa, Clemento, Manuel Baca and Marcus Baca.

3d Monday in August, 1847.

M. G. VALLEJO
vs.
FRANCISCO ARMIJO.

The parties appeared in court, and the court was informed by them

that they had agreed to refer the matter to arbitration. M. G. Vallejo chooses Cayetano Juarez on his part, and Francisco Armijo selected Don Salvador Vallejo. The arbitrators were then sworn, and the following is the decision of the arbitrators, to wit:

We the undersigned, appointed arbitrators by and for Mariano G. Vallejo and Francisco Armijo, to decide on the question existing between them for having the last trespassed his limits and usurped part of the land belonging to the farm of the first, as it is expressed in the complaint presented before the alcalde of this jurisdiction, L. W. Boggs; and after hearing the declaration of both parties and examination made of the proof and documents presented to us, we find that the limits of each farm are clearly defined in their respective titles, being those of Tolenas farm according to the deed to the said Suisun rivulet, (and running from it,) which lays at N. N. E. of "Suisun," and beginning from thence as the first limits mentioned; then are to be measured three leagues running at E. N. E. as the ridge (sierra) runs, being the said ridge the natural limits which laying between the two farms separate them, leaving one at the N. and the other at the S. Thus neither of the both parties is prejudiced, and the literal meaning of the respective titles to both farms are fulfilled, with and in order to so not burden one part more than the other. The costs of the judgment and those of the tribunal ought to be paid equally by both parties.

And for the fulfilment of this present writing, we sign it by our hands and seals before the alcalde of this jurisdiction, on the (16th) sixteenth day of August, A. D. 1847.

CAYETANO JUAREZ, SALVADOR VALLEJO,
M. G. VALLEJO, FRANC'O ARMIJO.

I certify the foregoing to be a true and correct translation of the annexed Spanish document on folio 3, authenticated by John Hendley, clerk of the county of Sonoma and State of California, and filed in this office in case No. 3, Archibald A. Ritchie, for the place named "Suisun."

(Signed) GEO. FISHER,
Secretary.

Los que firmamos arbitros nombrados por Don Mariano G. Vallejo y Don Francisco Armijo, para falla en la cuestion de litigio que ecsistia entre ellos con respecto a haber trespasado parte del terreno del primero; segun lagueja presentada por este ante el s'or alcalde diesta jurisdiccion, Don L. W. Boggs; despuesde onas los declaraciones de las partes y ecamonadas los puebas y documentos que presentoron, hallaranos que los linderos de cada ranchero estim claramante determinados en los respectivos titulos; sun solas de Folenos segun el departmente del mismo rancho, el arroyo de Suisun que cane al N. N. E. de Suisun, y lomandolo por punto de partida como parnurlindero citado de deben muritras sitias al E. N. E., segun como la Sierra madre leque interpuesta entre los dos canchos N. y P. forma emlindero natural que los

divido de estamanera nunguna delos dos partes quida prejudicada y se complido a la lettra con lo esprasado per los titulos de uno y otro rancho, y para no gravar mas a una parte entre ambos pagaran equelmente los costos del pucio y tribunal y para que obre ejectos convenientos firmamos el presente ante al se'r alcalde de este pueblo a lo desy sus dies del mes de Agosto de mil ocho cuartos cuarenta y siete.

CAYETANO JUAREZ,
Arbitro per Don M. G. Vallejo.
SALVADOR VALLEJO,
Arbitro per Don Francisco Armijo.
MARIANO G. VALLEJO,
FRANCISCO ARMIJO.

STATE OF CALIFORNIA,
County of Sonoma.

I, John Hendley, county clerk of Sonoma county, do hereby certify that the aforesaid is a true and correct "copy" of the proceedings in a cause wherein M. G. Vallejo is plaintiff and Francisco Armijo is defendant. Before L. W. Boggs, former alcalde of the district of Sonoma, as appears by the records of said alcalde now of record in this office.

In testimony whereof I hereunto set my hand and seal of court at office in the city of Sonoma, this 19th day of February, A. D. 1852.
[L. S.]

(Signed) JOHN HENDLEY, *Clerk.*

Filed in office December 27th, A. D., 1852.
(Signed) GEO. FISHER, *Secretary.*

E.—Conveyance from Vallejo and wife to Ritchie.

This indenture, made this 29th day of August, in the year of our Lord one thousand eight hundred and fifty, between Mariano Gaudalupe Vallejo, of Sonoma, in the State of California, and Francesca Benecia, wife of the said Vallejo, parties of the first part, and Archibald A. Ritchie, of the said State, party of the second part—witnesseth, that the said parties of the first part, in consideration of the sum of ten thousand dollars, to them in hand paid by the said party of the second part, at and before the ensealing and delivery of these presents, the receipt whereof they do hereby acknowledge; and for the further consideration of the sum of forty thousand dollars, to them secured to be paid by the said party of the second part, have given, granted, bargained, sold, released and conveyed, and by these presents do grant, bargain, sell, release and convey unto him, the said party of the second part, all that piece or parcel of land lying and being in the county of Sonoma, in the State of California, known or called by the name of "Suisun," and containing 4 leagues of land, which said tract of land was heretofore granted to Francisco Solano by Juan B. Alverado, governor of California, by grant or patent dated at Monterey, on the 28th day of January, A. D., eighteen hundred and forty-two, and duly ap-

proved by the departmental assembly of California, on the 3d day of October, A. D. 1845; the said original grant and certificate of approbation being recorded or copies thereof deposited in the public archives of the former government of California, and which was subsequently granted by the said Francisco Solano to the said Mariano G. Vallejo, one of the parties of the first part, by a written conveyance made and executed in deed form at the said Sonoma, on the 10th day of May, A. D. eighteen hundred and forty-two, which original grant, together with the certificate of approbation and the last mentioned conveyance, are hereby referred to and made part of this deed; the said parties of the first part meaning hereby to convey unto the said party of the second part all of the aforesaid tract or parcel of land, saving and excepting certain parts and sections thereof, which have heretofore been granted and sold to Patten, to Abram Fine, to Iber H. Fine, to Offord and to Persifer F. Smith, said parcels or sections not exceeding one English square mile each; to have and to hold, unto him, the said party of the second part, his heirs and assigns forever.

And the said Mariano G. Vallejo, for himself, his heirs, executors and administrators, doth hereby covenant and agree with the said party of the second part, his heirs and assigns, in manner and form and to the effect following: that is to say, that he the said Vallejo is now the owner of the said premises, and is seised of a good and indefeasible estate of inheritance therein; that he has full right and power to sell and convey the same in fee simple absolute; that the said premises are free and clear of all incumbrances; that he, the said Vallejo, will forever warrant and defend the hereby conveyed land and premises unto the said party of the second part, his heirs and assigns, against the lawful claims and demands of all persons whatsoever; that he, the said Vallejo, and all persons claiming under him, will, at any time hereafter, at the request and expense of the said party of the second part, his heirs and assigns, make all further assurances for the more effectual conveying of the said premises, with the appurtenances, as may be reasonably required by him or them.

In witness whereof, the parties have hereunto set their hands and seals, the day and year first above written.

(Signed) M. G. VALLEJO, [SEAL.]
(Signed) BENECIA F. DE VALLEJO, [SEAL.]

Signed, sealed and delivered in presence of—
(Signed) MARTIN E. COOK,
(Signed) JOHN B. FRISBIE.

STATE OF CALIFORNIA,
County of Sonoma, ss.

On this twenty-ninth day of August, A. D. 1850, personally appeared before me the undersigned, notary public in and for the said county, Mariano G. Vallejo and Francisco Benecia his wife, to me known to be the persons described in and who executed the foregoing instrument,

and they severally acknowledge that they executed the same freely and voluntarily, and for the purposes therein mentioned; and the said Francisco Benecia being by me duly examined, separate and apart from and without the hearing of her said husband, and the contents of the said foregoing instrument being fully made known to her, declared that she did voluntarily seal, execute and deliver the same, without any fear, compulsion or undue influence of her said husband, and that she did not wish to retract the same.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal.

[SEAL.] (Signed) MARTIN E. COOK,
Notary Public.

Filed in office, December 27th, 1852.
(Signed) GEO. FISHER, *Secretary.*

Received for record August 30, 1850, at 5 o'clock, p. m., and recorded in book "C," pages 376, 377, and 378 of the records of Solano county, California.
(Signed) SARSHAL BYMAN,
Fees, $6 75. *County recorder.*

SAN FRANCISCO, *March* 17, 1852.

On this day, before Hiland Hall, one of the commissioners for ascertaining and settling private land claims in the State of California, came Manuel Baca, a witness produced in behalf of the claimant, in the case of the petition of Archibald A. Ritchie, being No. 3 on the docket of the commissioners, who was duly sworn as such witness. The law agent was duly notified and attended. The witness gave his testimony in the Spanish language, which was interpreted by the Secretary. The testimony is taken subject to all objections to the same and to all parts of it.

In answer to inquiries made by Mr. Halleck, counsel for the petitioner, the witness testified as follows:

My name is Manuel Bacus; I am 67 years of age, and I reside in the town of Sonoma, in this State, and have resided in California since 1841; I know the rancho "Suisun," and have been living near it ever since I came to California. I know the boundaries of the rancho; they are as follows: Beginning at the embarcadero of Suisun; thence running along the Suisun creek north, to the foot of the range of hills; thence along the edge of the range of hills in an easterly direction; and thence around to the place of beginning. When I first came to California, Guadalupe Vallejo was in possession of the rancho; I knew Francisco Solano; he lived in Suisun, and died there about a year ago; he was an Indian chief of the northern Indians, and commanded all the Indians on the northern frontier, or controlled them. He was friendly to the government and the people, and rendered important services in preserving the peace between the Indians and the whites.

I knew Francisco Armijo; he lived in the rancho "Suisun" and built a house there which is still standing; while he lived there he several times told me that he was there by permission of Guadalupe Vallejo; that the land belonged to Vallejo, and that Vallejo had warned him not to build a house upon the land, because he would lose the land and improvements if he did; but at the time of Vallejo's being at Sacramento a prisoner of war, Armijo built the house; this took place when Col. Fremont was at Sonoma with the American forces; I cannot give the date with certainty.

In answer to the inquiries made by the law agent, the witness testifies, that General Vallejo had stock on the rancho and farmed it; they raised corn, wheat, potatoes, peas, and various kinds of vegetables; a considerable quantity of land was cultivated, but I cannot specify the quantity.

(Signed) MANUEL his ⋈ mark. BACA.

Sworn as above and subscribed, this 18th day of March, 1852, before me.

(Signed) HILAND HALL,
Commissioner.

Filed in office March 18th, 1852.

(Signed) GEO. FISHER, *Sec'ty.*

SAN FRANCISCO, *March* 18*th*, 1852.

On this day, before me, Hiland Hall, one of the commissioners for ascertaining and settling private land claims in the State of California, came Mariano Guadalupe Vallejo, a witness produced in behalf of the claimant in the case of the petition of Archibald A. Ritchie, being No. 3 on the docket of the board, and was duly sworn. The law agent was duly notified and attended.

The testimony and all parts of it is taken subject to all just exceptions.

In answer to inquiries made by Mr. Halleck, counsel for the petitioner, the witness testified as follows:

My name is Mariano Guadalupe Vallejo; my age is forty-four; I reside in Sonoma, and have always resided in California. In 1837 I was commander-in-chief of the Mexican troops in California, and held a commission for colonizing the north frontiers of Sonoma. I knew Francisco Solano; he was the greatest and principal chief of the whole frontier; was a civilized Indian, and friendly to the Mexican government and the white people; his rendezvous or head-quarters had always been on the Suisun. In 1835, according to the rules of secularization, he acquired the rights of possession, and I put him in possession by direction of Governor Figüerro; he continued in possession until 1842, when I bought the rancho of him; I took possession and continued in possession until about the year 1850, when I sold it to the present claimant.

While the land was in my possession, I occupied it with a large number of cattle and horses, and raised crops on it of corn, wheat, barley, beans, peas and other vegetables, also vines and fruit trees. I had five thousand cattle and two thousand horses; I raised large crops; I had a large adobe house on it and also a store-house; the house was there in 1842. Solano while he occupied the land had an adobe house on it, also cattle, and cultivated the land extensively; I recollect that one year he raised on it between four and five thousand fanegas of beans—a "fanega," I understand, is over two and a quarter bushels; also a very large quantity of other vegetables were raised by him. His adobe house was built in 1835; he had other houses for the Indians; there were several hundred houses for the accommodation of the tribe. Solano received juridical possession of the rancho in 1842, from Don Salvador Vallejo, the alcalde.

When I gave Solano possession of the rancho in 1835, the line enclosing it began at the embarcadero on the Suisun; thence following the foot of the nearest hills in a northerly direction, until it reaches the Tolenas hills; thence easterly, along the foot of the high range of mountains 'til it comes opposite the potriro of Suisun; thence to said potriro, which was then included in the rancho, and thence along the edge of the marsh in a westerly direction, to the place of beginning. The mode of my giving possession was, that I went there with some fifty soldiers, and went around the rancho pointing out the boundaries to Solano, a large number of Indians attending us; there was no measurement and no landmarks set up; there were natural boundaries that were understood.

In answer to questions put by Mr. Cooley, the law agent, the witness testified that Solano was put in possession of the land for his own benefit and not for the tribe. I was commissioner for the secularization of the mission, as well as commander of the military force. The usage in building a house, in order to comply with the conditions of the Mexican grants, was to make it of poles filled in with mud; the poles being upright with cross poles. The house in Spanish is called enlertado. If an adobe house was built, it was considered that there could be no question but the requirements of the law had been complied with.

On further examination by Mr. Halleck, for the petitioner, the witness says: Francisco Armijo built one adobe house on the Suisun rancho, immediately after I was taken prisoner in June, 1846, by the Bear party. I was taken prisoner June 14, 1846, and kept prisoner in Sacramento two months. The house was commenced while I was thus absent. On my return at the end of two months, the house had been built about one foot high. I cited him before the alcalde, and the alcalde told him if he went on he would lose his labor. The country was in a state of revolution, and he went on, finished the house. After this, in 1847, I think there was an arbitration in regard to the

land before the alcalde, and it was decided that the house was on the "Suisun" land.

The alcalde was L. W. Boggs.

(Signed) M. G. VALLEJO.

Sworn and subscribed before me,

(Signed) HILAND HALL,
Commissioner.

Filed in office, March 18, 1852.

(Signed) GEO. FISHER,
Secretary.

SAN FFANCISCO, *March* 18, 1852.

On this day, before Hiland Hall, one of the commissioners for ascertaining and settling private land claims in the State of California, came Juan Felipe Peña, a witness produced in behalf of the claimant in the case of the petition of Archibald A. Ritchie, being No. 3 on the docket of the board, and was duly sworn. The law agent was notified and attended. The testimony was given in the Spanish language and interpreted by the secretary.

In answer to inquiries made by Mr. Halleck, counsel for the claimant, the witness testifies as follows:

My name is Juan Felipe Peña; I am fifty years of age, and I reside at my rancho, called San José de Gracia, about eighteen leagues from Sonoma. I lived where I now reside for twelve years. I have known the rancho Suisun for that length of time; I know the boundaries; they run from the embarcardero of Suisun along the edge of the range of hills to the Tolenas in a northerly direction; thence, with the same range of hills, to the valley of Suisun, and to the Potrero; and thence along the edge of the bay to the embarcardero.

I knew Francisco Armijo; he built a house on Suisun, near the Tolenas; it was at the time General Vallejo was taken prisoner by Col. Frémont; I live about two leagues from Suisun; at the time the house was built, Guadalupe Vallejo was in possession of Suisun.

(Signed) JUAN FELIPE his ✕ mark. PENA.

Subscribed and sworn before me,

(Signed) HILAND HALL,
Commissioner.

Filed in office, March 18, 1852.

(Signed) GEO. FISHER,
Secretary.

SAN FRANCISCO, *March* 19*th*, 1852.

On this day, before Hiland Hall, one of the commissioners for ascertaining and settling land claims in the State of California, came

Marcus Baca, a witness produced in behalf of Archibald A. Ritchie, being No. 3 on the docket of the commissioners, and was duly sworn. The law agent was notified and attended. The testimony was taken subject to all just exceptions. It was given in the Spanish language and interpreted by the secretary.

In answer to questions put by Mr. Halleck, counsel for the petitioner, the witness testified as follows:

My name is Marcos Baca; I am thirty-six years of age, and reside in the county of Solano, and have resided there for eleven years past. I know the rancho Suisun, and live about two leagues and a half from it. I have known the rancho ever since 1841. I knew Francisco Armijo who died about two years ago; he built a house on Suisun in 1846; it was reputed to be on the Suisun rancho, which was understood to belong to Guadalupe Vallejo, who occupied it with cattle and horses, and cultivated the land from 1842 to 1846.

In answer to inquiries made by Mr. Cooley, the law agent, the witness says that General Vallejo cultivated about one square mile of the rancho.

(Signed) MARCOS his ✕ mark. BACA.

Witness—
(Signed) GEO. FISHER.

Sworn and subscribed before me,
(Signed) HILAND HALL,
Commissioner.

Filed in office, March 19th, 1852.
(Signed) GEO. FISHER,
Secretary.

SAN FRANCISCO, *March* 19, 1852.

On this day, before Hiland Hall, one of the commissioners for ascertaining and settling private land claims in the State of California, came Julio Carrillo, a witness produced in behalf of the claimant in the case of the petition of Archibald A. Ritchie, being No. 3 on the docket of the commissioners, and was duly sworn. The law agent was notified and attended. The testimony was given in the Spanish language and interpreted by the secretary. The testimony was taken subject to all just objections to all parts of it.

In answer to questions put by Mr. Halleck, counsel for the petitioner, the witness testifies as follows:

My name is Julio Carrillo; I am twenty-six years of age, and reside in the county of Sonoma, and have resided there from 1836 to the present time. I know the rancho Suisun, and have known it ever since 1836. I knew Francisco Armijo who is now deceased; he built a house on the Suisun; it was commenced at the time the American forces under Frémont were there. I think in the month of August,

1845 or 1846. I first saw the house building on my return from Sacramento, where I had been a prisoner with General Vallejo, and with whom I returned to Sonoma. The land was General Vallejo's, as I considered.

(Signed) JULIO CARRILLO.

The foregoing deposition was sworn and subscribed before me,

(Signed) HILAND HALL, *Commissioner.*

Filed in office March 19, 1852.

(Signed) GEO. FISHER, *Secretary.*

SAN FRANCISCO, *March 20th*, 1852.

On this day, before Harry J. Thornton, one of the commissioners for ascertaining and settling private land claims in the State of California, came Salvador Vallejo, a witness produced on behalf of the claimant in the case of the *of the* petition of Archibald A. Ritchie, being number 3 on the docket of the commissioners, and was duly sworn. The law agent was notified and attended. The testimony was given in the Spanish language, and interpreted by the secretary.

The testimony was taken subject to all just objections to all parts of it.

Question by claimant.

1st. What is your name, age, and place of residence, and how long have you lived in California?

Answer. My name is Salvador Vallejo; my age is thirty-eight years; my residence is Sonoma; and I have lived in this State all my life.

Question 2d. What offices have you held in California?

Answer. I held the office of civil magistrate, also at times the military command at Sonoma.

Question 3d. Are you acquainted with the rancho of Suisun?

Answer. I am, and have been for the last twenty-two years.

Question 4th. Who occupied the rancho previous to the year 1842 and after, and how or in what right?

Answer. Francisco Solano occupied prior to 1842 on his own account, and then to General Vallejo, for whom he acted as major domo afterwards.

Question 5th. What do you know of the occupation and cultivation of this rancho?

Answer. Francisco Solano had a house on it in which he lived, and he cultivated the land. After he transferred, as above stated, to Vallejo, he made further improvements and more extensive cultivation, and raised stock upon it.

Question 6th. Did you, whilst you were acting as civil magistrate, or not, ever give judicial possession of this rancho to any one; if you to whom and when?

Answer. I gave officially possession to many persons, and among others I remember distinctly putting Francisco Solano in possession of

this rancho, but the year in which I did so I do not now distinctly remember, but I believe it was in the year 1842.

Question 7th. Was there any written expediente or document made by you witnessing this act of giving possession by you to said Solano; and if so, can you tell what was done with it, or what has become of it?

Answer. There was such writing or document made by me in duplicate, one of which I gave the party, and the other was deposited in the archives at Sonoma. I know nothing of what has been done further with either of them. I have not seen them since.

Question 8th. Do you know or do you not know any thing about the loss or destruction of the archives deposited at Sonoma; if yea, state what you know on that subject?

Answer. In the spring of 1846 there was a disturbance or insurrection, in which I was made prisoner, and the archives in my possession forcibly seized upon and taken away; also the magistrate who succeeded me was assailed, and the public archives plundered by those who were engaged in this outbreak, being American soldiers, who made use of the archives for the purpose of making cartridges. I lost my own title papers at the same time.

Question 9th. When and where did you regain your own title papers, taken at the time of the outbreak of which you have been speaking?

Answer. Two or three months after my seizure I was upon a man-of-war vessel in the port of San Francisco belonging to the United States of America, and saw on a berth of the vessel a heap of archives, among which I recognised my own, being enveloped in black cloth, and in the presence of the commanding officer I took charge of it.

Question 10th. Who was secretary to you at the time of giving the judicial possession of the rancho as above stated?

Answer. A retired officer by the name of Damazo Rodriguez, who is now dead.

Question 11th. In what manner did you proceed in giving the judicial possession of the rancho to Francisco Solano?

Answer. I went upon the ground with a compass, accompanied by five persons, two measurers and three witnesses, and commenced at a point called the Embarcadero on the estuary of Suisun, and measured with a cord in a westerly course along the slope of the range of hills to a place called Tolenas, from thence along the same range of hills to its termination, from thence to the estuary of Pulpines, from thence along the margin of the estuary to the place of beginning, including within said measurement the valley of Suisun.

Question 12th. Do you remember the names of the persons who you have stated accompanied you when you gave the judicial possession stated above?

Answer. I remember the names of Paulino Basquez and Francisco Higuera, alone of the number; also my secretary, Damaso Rodriguez, who accompanied me as notary public.

Question 13th. Do you or not know whether Francisco Armijo built a house on or near this rancho; and if so, when?

Answer. He did build a house on it in the year 1846.

Question. Was this house, which you say was built by Armijo, built or not within the limits or bounds of the rancho, as marked out or delineated by you, and put judicially in the possession of Francisco Solano?

Answer. It was built within the limits above mentioned.

Cross interrogatories propounded by the U. S. law agent.

Cross interrogatory 1st. What was the length of the first line which you measured, beginning at the Embarcadero?

Answer. I do not remember the length of the line.

Cross interrogatory 2d. On which side of the Suisun creek did you commence to measure that line, and did you cross the said creek in measuring it?

Answer. I commenced on the westwardly side of the creek and crossed it once, and recrossed it in closing the survey or measurement.

Cross interrogatory 3d. How near did you pass to the "portesuelo" or gap, where the road from Benecia to Sacramento crosses the ranges of hills; on which hand did you pass said portesuelo, and how near it did you pass?

Answer. The portesuelo was on the left-hand side of the line, westward of it.

Cross interrogatory 4th. Did you pass within five hundred varas of said portesuelo?

Answer. I do not remember and cannot say.

Cross interrogatory 5th. Was there any natural or artificial object at the end of the first line you run, or can you in any manner designate the point where said line ended?

Answer. I cannot designate it here; if I were on the ground I could. There were some trees at the point above referred to.

Cross interrogatory 6th. Do you know the Canada de Tolenas?

Answer. I do know it.

Cross interrogatory 7th. Did you include it or surround it in your measurement?

Answer. I have traveled over it, but did neither include nor surround it in my measurement.

Cross interrogatory 8th. Do you know the creek called Hululato?

Answer. I do know it.

Cross int'y 9th. Does that creek run through or border upon the Canada of Tolenas?

Answer. It neither runs through nor does it border upon it.

Cross int'y 10th. Did you cross said creek in running the first or the second line, as above stated?

Answer. It did not cross it all.

Cross int'y 11th. About how near it did you pass?

Answer. I do not recollect.

Cross int'y 12th. Have you passed it within five leagues?

Answer. I do not know.

Cross int'y 13th. In making your measurement, how near did you pass to the Canada de Tolenas?

Answer. I do not recollect.

Cross int'y 14th. In what direction is the Haluluto creek from the Canada de Tolenas? At what distance, and in what direction it runs, and where does it empty?

Answer. I believe it is to the east; I do not know the distance and the direction it runs; it empties into the Sacramento river.

Cross int'y 15th. What documents, if any, were presented to you by Solano, when you proceeded to him judicial possession?

Answer. A petition addressed to me as the magistrate, accompanied with his title papers.

Cross int'y 16th. What do you mean by title papers?

Answer. I mean to say the title from the government. (El titulo del gobierno.)

Cross int'y 17th. Did you attach the paper containing the record of your proceedings of the judicial possession to the paper or document handed to you by Solano?

Answer. I have deposited the same into the archives of my office, and the document handed to me by Solano I have returned to him.

Cross int'y 18th. Did you issue any notifications to any persons, in the course of your proceedings; and if so, to whom, and for what purpose?

Answer. I did not; the witnesses went with me, and there were no coterminous neighbors. (Colindantes.)

Cross int'y 19th. Did you administer oath to any person in the course of your proceedings; and if so, to what persons?

Answer. I have, to all who accompanied me, as witnesses and measurers, according to the ordinance; namely, to Damasio Rodriguez, Francisco Higuera, Paulino Basquez, and others, whose names I do not recollect. I mean the ordinance of the Spanish government relative to the surveying of land.

Cross int'y 20th. Did you cause the cord to be measured as a measure; and if so, how many varas in length was it?

Answer. I did; but I do not recollect its length, because the length of the cord, in various surveys, is different.

Cross int'y 21st. Did you take any information as to the identity of the land referred to in the title?

Answer. I did, through the witnesses, under oath, as required by the ordinance.

Cross int'y 22d. Did you set up any landmarks on the boundaries of the said land?

Answer. I have ordered the party interested to put up the landmarks.

Cross int'y 23d. Did the party interested erect the landmarks in your presence, at that time?

Answer. He did not.

Cross int'y 24th. What description of house did Solano erect, and how soon after the grant was obtained?

Answer. Ever since I knew the place, which is twenty-two years, Solano had a house on the premises; it was built of adobe; but I cannot tell when it was built.

Cross int'y 25th. Do you know or not whether Solano obtained the grant of the said land for his own benefit or for the benefit of any other person?

Answer. For himself and his family.

Cross int'y 26th. State the name of the vessel, and the commander of it, on which you found a part of the archives, as stated in your answer to interrogatory No. 9?

Answer. I cannot tell the name of the vessel; the commander's name was Montgomery.

Cross int'y 27th. Have you now the ordinance under which you acted at the time above stated, and how did you procure it?

Answer. I have lost it during the war with the United States. I bought it from the late Francisco Haro, who was alcalde at the time, at the mission of Dolores, who had several copies.

Examination resumed by the counsel for the claimant.

Question 1st. Will you examine the map in your hand, and state whether or not you recognise it as a correct map of the rancho of Suisun?

Answer. To the best of my knowledge and belief it is a correct map, with the exception that a part from the land I embraced within the boundaries of Suisun is left out on the map. The part left out is to the northeast from the Embarcadero.

Question 2d. What divides the valley of Suisun from the Canada of Tolenas?

Answer. The range of hills; the lower part is called the valley of Suisun, and the upper part the Canada of Tolenas?

Question 3d. Does the water from the Canada of Tolenas run to the valley of Suisan?

Answer. It does.

Question 4th. Are the different parts of the same creek called Tolenas and Suisun?

Answer. They are; the upper part of it is called Tolenas, the lower part Suisun.

Question 5th. In giving judicial possession of the rancho of Suisun, did you establish the point separating the rancho of Suisun from the Tolenas?

Answer. I drew the line between the two places, where the hills approximate each other the nearest.

Question 6th. Does or not this line cross the creek at the opening of the Canada of Tolenas, upon the valley of Suisun?

Answer. It does.

Cross examination by the U. S. law agent resumed.

Cross int'y 1st. Were you present at the survey upon which the

map now before you was drawn, and annexed to this deposition, marked "A"?

Answer. I was not present.

(Signed) SALVADOR VALLEJO.

Sworn to and subscribed before me, this 20th March, 1852.

(Signed) H. J. THORNTON, *Com'r.*

Filed in office, March 20th, 1852.

(Signed) GEO. FISHER, *Sec'y.*

[For map see original, page 78.]

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS, *San Francisco, March 29th,* 1852.

On this day, before me, Harry J. Thornton, one of the commissioners for ascertaining and settling private land claims in the State of California, came Manuel Jimeno, a witness produced in behalf of A. A. Ritchie, claimant—being No. 3 on the docket of the commissioners—being duly sworn, testifies as follows. His evidence being given in the Spanish language and interpreted by the secretary, George Fisher, by consent of the counsel for claimant.

The law agent was notified and attended.

Questions propounded by the claimant.

Question 1st. What is your name, age, and place of residence, and how long have you resided in California?

Answer. My name is Manuel Jimeno; my age forty-nine years; my present residence, Monterey. I have resided in California twenty-four years.

Question 2d. What offices have you held in California?

Answer. I have held various offices in California; amongst them the following: constitutional alcalde of Monterey, collector of customs, and commissary general of Monterey, secretary of state, acting governor three different times; also member of the departmental assembly and of the territorial deputation.

Question 3d. Are you acquainted with the handwriting of Juan B. Alvarado, Manuel Jimeno, Jose Ramon Estrada, Jose Maria Castanares, Pio Pico, and Jose Maria Covarubias; if yea, state if their signatures on and to the document now here shown you are genuine, and if they are the originals of the copies which are filed with the petition of A. A. Ritchie, in the office of the secretary of the board of land commissioners for California, marked exhibit A, and referred to in said petition, which is No. 3 on the docket of said board?

Answer. I am acquainted with the handwriting of Juan B. Alvara-

do, Manuel Jimeno, Jose Ramon Estrada, Jose Maria Castanares, Pio Pico, and Jose Maria Covarubias; and I recognise their signatures affixed to the documents now shown to me, and which I now hold in my hand as the genuine signatures of those persons; and I know the documents to be the originals of the copies which are filed with the petition of A. A. Ritchie, in the office of the board of land commissioners of California, marked exhibit A; which copies I also hold in my hand, and have compared them with the said originals, and found them correct; and that the signature of Manuel Jimeno is my own signature.

Question 4th. Whether by the laws and customs of this country, when it was under the Mexican government, an emancipated Indian had the same right to acquire, sell, and alienate lands and other property as any other citizen, and if any other forms were required in his case than in any other purchases or sales between white citizens?

Answer. The emancipated Indians, at the time referred in the above interrogatory, enjoyed all the rights, privileges, and immunities of Mexican citizens, and were subject to all the duties and obligations required of such citizens, and had the same right of buying and selling land and other property.

(Signed) MANUEL JIMENO.

Sworn to and subscribed before me, this 29th March, 1852.

(Signed) HARRY J. THORNTON, *Com'r*.

Filed in office, March 29th, 1852.

(Signed) GEO. FISHER, *Sec'y*.

OFFICE OF THE BOARD OF COMMISSIONERS OF LAND CLAIMS IN CALIFORNIA, *San Francisco, June* 12, 1852.

On this day, before me, Harry J. Thornton, one of the commissioners for ascertaining and settling private land claims in California, came Jacob P. Leese, a witness produced in behalf of the claimant, A. A. Ritchie, being No. 3 on the docket of said commissioners, and being duly sworn, testified as follows:

The law agent of the U. S. was notified and attended.

Questions by claimant.

1st question. What is your name, age, and place of residence?

Answer. My name is Jacob P. Leese; my age is fifty-three years; I have resided in Monterey since 1849, and previous to that in Sonoma.

2d. Do you know any thing about the sale of the tract of land called "Suisun," by Francisco Solano; and if so, say what you know?

Answer. In the year 1840, Francisco Solano offered to sell me the rancho of "Suisun," for the sum of one thousand dollars; I examined the land and declined the offer, considering it, as land sold at that time, as a pretty high price. In 1841, Solano offered it at the same price to Capt. Henry D. Fitch; Capt. Fitch examined the land, but declined the offer. It was also offered by Solano, in 1841, to one Her-

mittinger, who went on the land, but afterwards declined to purchase. In May, 1842, Solano sold the land to M. G. Vallejo, for one thousand dollars.

3d question. Did you, or not, consider that sum as a fair price for the land?

Answer. I did consider it a high price at the time; I could have purchased it for that sum, and I know it was offered to others for that sum.

4th question. Did you, or not, consider at the time that by the usage and custom of the country, Solano had a right to sell his land?

Answer. By the usage and custom of the country, Solano had a perfect right to sell the land; no one, to my knowledge, expressed any doubt of his right to sell his land; I did not want the land at that price, and for that reason did not purchase; I had no doubt about the title.

5th. question. How long have you lived in California, and what offices have you held?

Answer. I have lived in California 19 years; I was 1st alcalde and judge of 1st instance of the district of Sonoma, in 1844 and part of 1845.

(Signed) JACOB P. LEESE.

The agent of the U. S. present, and declines to cross examine.

Sworn to and subscribed before me, this 12th of June.

(Signed) HARRY J. THORNTON, *Comm'r, &c.*

Filed in office, June 12, 1852.

(Signed) GEO. FISHER, *Sec'y.*

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS, *San Francisco, Aug.* 6, 1852.

On this day, before me, Harry J. Thornton, one of the commissioners for ascertaining and settling private land claims in the State of California, came M. G. Vallejo, a witness produced in behalf of the claimant, A. A. Ritchie, whose petition is No. 3 on the docket of the board, and was duly sworn.

His evidence being given in the Spanish language, was interpreted by the secretary.

The law agent was notified and attended.

Questions propounded by the claimant.

1st question. What is your name, age, and place of residence?

Answer. My name is Mariano Guadalupe Vallejo; my *name* is 45; I now reside in Sonoma, and have resided in California all my life.

2d question. State, if you know, whether Francisco Solano, the original grantee in this case, held any office or commission under the Mexican government; and if so, what office, and at what time?

Answer. When I held the office of commandant of the northern

frontier, I received a letter from the Minister of War in Mexico, enclosing a commission of captain in the Mexican army for said Francisco Solano, which was given by me to Solano, and which he continued to hold until the taking of this country by the United States. I think he was commissioned as captain in the year 1836. He was a brave officer, and rendered very important services to the Mexican government against the wild Indians on the northern frontier.

(Signed) M. G. VALLEJO.

I decline cross interrogation.

(Signed) GEO. W. COOLEY,
U. S. Law agent.

Sworn to and subscribed before me, this 6th of August, 1852.
(Signed) HARRY J. THORNTON, *Comm'r, &c.*

Filed in office, August 16, 1852.
(Signed) GEO. FISHER, *Sec'y.*

OFFICE OF THE BOARD OF LAND COMMISSIONERS IN CALIFORNIA, *Los Angelos, September 14th*, 1852.

On this day, before me, Harry J. Thornton, one of the commissioners for ascertaining and settling private land claims in California, came Pablo de la Guerra, a witness produced in behalf of the claimant, A. A. Ritchie, whose petition is No. 3 on the docket of said commissioners, and after being duly sworn, testifies as follows. The law agent of the U. S. was duly notified and attended.

1st question. What is your name, age, and place of residence?

Answer. My name is Pablo de la Guerra; my age about 32 years; I reside in Santa Barbara, and have resided in California all my life.

2d question. What was the usage and custom of the country with respect to sales of lands by Indians, which had been granted to them by the governor? Was there any distinction in this respect between Indians and whites?

Answer. I know of no distinction; I have always understood that Indians had the same rights of property under the Mexican laws as white men. I have frequently known Indians to sell lands which had been granted to them, and such sales were always considered legal under the Mexican government.

Questions by the U. S. law agent.

Question 1. What action have you ever known to be taken by the Mexican government which would show that said government considered sales made in California by Indians legal?

Answer. I know of no action by the government or public authorities, either approving or disapproving such sales.

Question 2. Have you ever known any action taken either by the

public authorities in California, or by people living in California, which would show that such sales by Indians were considered legal?

Answer. I know of no action taken either by the public authorities or by the people in regard to this matter. I know of no instance where the governor of California recognised the right of an Indian to sell land. I refer to the letter which is among the papers in case No. 50, dated San Luis Obispo, July 11th, 1846. I have frequently known of sales made by Indians to white people, and considered by them as valid.

Question 3d. How many such instances have you known?

Answer. I now remember distinctly four such instances.

Questions by claimant's counsel.

Question 1. Whether or not sales by Indians of lands granted to them by the government were made as freely and as generally in California as such sales were made by whites, in proportion to the relative numbers of the two kinds of grants?

Answer. They were made as freely and as generally.

(Signed) PABLO DE LA GUERRA.

I acknowledge due notice of the time and place of taking the above deposition.

(Signed) GEO. W. COOLEY,
U. S. Law agent.

Sworn to and subscribed before me, this 14th September, 1852.

(Signed) HARRY J. THORNTON,
Comm'r, &c.

Filed in office, Sept. 20th, 1852.

(Signed) GEO. FISHER, *Sec'y.*

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS, SAN FRANCISCO, *May 7th*, 1852.

On this day, before me, Hiland Hall, one of the commissioners for ascertaining and settling private land claims in the State of California, came Salvador Vallejo, a witness produced in behalf of the claimant, Archibald A. Ritchie, whose petition is No. 3 on the docket of the board, and was duly sworn. The law agent was notified and attended.

In answer to questions put by the counsel for the claimant, the witness testified as follows:

My name is Salvador Vallejo; my age is 40 years, and I reside in Sonoma, in this State, and have always resided in California.

A paper purporting to be a deed from Francisco Solano, to Marian Guadalupe Vallejo, dated May 10th, 1842, being shown me, I say that the signatures of Fran'co Solano, José de la Rosa, Cayetano Juarez, and my own signature appearing upon the same, are genuine; that I signed the same myself at the date which the instrument bears, and saw the other said persons sign the same at the same time. My own

signature and that of Rosa and Juarez appear upon said instrument in two places. The instrument was executed in the proper form to convey land under the Mexican laws in force in California at the time, before me as a civil magistrate. The said instrument as marked No. 1, H H.

(Signed) SALVADOR VALLEJO.

Sworn and subscribed before me,
(Signed) HILAND HALL, *Com'r*.

Filed in office, May 7th, 1852.
(Signed) GEO. FISHER, *Sec'y*.

(*H H, No.* 1.)

En el pueblo de Sonoma de la Alta California á los diez dias del mes de Mayo, del año de mil ochocientos cuarenta y, dos, ante mi al Capitan Don Salvador Vallejo, commandante militar de d'ho punto ejerciendo la jurisdiccion, civil y testegos Francisco Solano, recino de el, Dijo; que porsi y en nombre de Suisun hijos, herederos, successores, y de quien de ellos hubiere titulo, voz y causa en cualquiera manera, vende y da en venta real, y enagenacion perpetua por juró de heredad, para sempre jamas al Sr. Colonel y Comandante General D. Mariano Guadalupe Vallejo, reciño tambien del mismo pueblo de Sonoma, y a los sayos el terreno del "Suisun," en cantidad de cuatro sitios de ganado mayor quele pertenece in posecion y propiedad, colindante al pourente con el rancho de Sozcol y Tulcay. Y al Noruste con Tolenas segun consta por los tila las de pertenencia que adjuntan esta escribtura, por los cuales correspondean posecion y propriedad al otorgante, el cual declara y a segura no tenuta vendida ni empenáda y que esta libre de tributo, mencorda, capedania, vinculo, putronato, Fianza y de otro gravamen perpetuo, temporal, especial general, tacito y es preso, y como tal se lo vende con todas sus contradas, solidas, fabrica, usos, costumbres, regaliases, servidumbres, y deneas cosas anecsas que ha tenido, tiene y le pertenecen segun derecho, por mil pesos, fuertes Mejicanos, quentiene rechibadas ni numerata pecunia segun el mismo confresa, y renuncia la rey q. del tilo 1°, Partida 5d, y asi mismo declara a que el pasto precio, y verdadeno valor del referido terreno, son actio mil reales, y que no vale mas, ni halló qudentanto les halladado por el, y simas vale, ó valer puede, del ecse so en poca ó mucha suma haca a fabor del, comprador, y de sus herederos y succesores, gracia y donacion para perfecta é irrevocable, en sandad con insinuacion y demas firmezas legales, y renuncia la ley 2d, tito H, L. 10., N. R., quetrata delos contratos de venta, trueque y de otra en que hay lesion en mas ó menos de la nintad del justo precio, y los cuatro años que prefrüe para pedir su restricion ó suplemento a su pusto valor, los que da por pasados como secfictivaniente lo ertubreran. Y desde hay en a delante para siempre de desapodera resiste, quita y aparta, y a sies herederas y succesores, del dominio ó propiedad, posecion, titulo,

voz recure yotro cualquiera, derecho que le competa al enunciado terreno del "Suisun" lo, cede, renuncia y traspasa conlais, acsiones reales y personales, utiles, mixtas, directas y ejecutivas en el comprador y en quien la surga represento, para que la posea, goce, cambie, enagene, use y dispong'a de ella a su elecsion, como de cosa suya adquirida, con lejituna y justo titulo. Y le ponfiere poder irrevocable con libre franca y general administracion, y constituve. Procurador actos ex su propria causa, para que de sa autoridad entre, y se a padere del nominado terreno y presindala real tenencia y posecion que por derecho se compete. Y para que no necesite, tomado me pide que le dé, copia autorizada de esta escritura, con la cual sin otro acto de aprehencion hade servisto haber la tomado, aprehendido y transferidole, y en el enterim se constituve su inquilino, tenedor. Y poseedor en legal forma. Y se obliga a que dictio teneno no sera ciento, sequro y efectivo al compranor, y nadiele le inquietará ne inovana pleyto sobre su propriedad, posecion gosey disfrute ni contrael aparesera gravamen alguno, y si se le inquietera, moriera ó apareciere, luego que el otos gante, y sus herederos sucredores sean requeridos conforme a derecho, saldrau, á su defensa y lo seguiran á sus espendas en todas instancias, y tribunales, hasta ejecutonarlo, y defar al, compradoror y á los suyos en sulibre uso y quieta y pasifica posecion; y no pudiendo consequirlo, le doran otro igual envalor de fabrica, sitio, renta y comodida, desyen su de fecto, le restituvian la condidad que ha de selbalrado, las mejora sutiles, presidas, y voluntarias que á la suzon tenga, al mayor valor y estimacion que con el tiempo adjuidera, y todas las costas, gastos, daños intereses ó menozcatios que sele siguieren é irrogaren por todo lo cual seles hade poder ejecutas solo en virtud de esta escintura, y juramento deque, la posea, ó de quien le represente, en quien dijiere su importe y le releva de otra prueba; y á la observancia alto dolo referido obliga supersona y bienes habados y por haber; y confiere amplio poder a los senores jueces y trabunales de la nacion que de este negocio deben conocer conforme a derecho para que le apremien a su cumplimiento como por sentencia definitiva de juez competente, parada en autoridad de cosa puzgada y consentida, que por tal lo recibe.

(Firmado) FRAN'CO X. SOLANO.
(Firmado) SALVADOR VALLEJO.
Festigo de assa.
(Firmado) JOSE DE LA ROSA.
Festigo de assa.
(Firmado) CAYETANO JUAREZ.

Yo el infrascrito doy fecon los de asistencia de ha berse estendido la antecedente escritura en papel conum por no haber in este lugar del sello que corresponde Fecher ut supra.

(Firmado) SALVADOR VALLEJO.
Assa.—JOSE DE LA ROSA.
Assa.—CAYETANO JUAREZ.
Filed in office, May 7th, 1852.
(Signed) GEO. FISHER, *Sec'ry.*

D.—Translation of exhibit No. 1, H H.

In the puebla of Sonoma, of Alta California, this 10th day of the month of May, of the year one thousand eight hundred and forty-two, before me, captain Salvador Vallejo, military commandant, exercising the civil jurisdiction of said place, and witnesses, appears Francisco Solano, resident of the place, and says, that for himself, and in the name of his children, heirs, successors, and whosoever of them may have title, voice or cause in whatever manner, he sells and gives in real sale and perpetual alienation, by right of inheritance forever, to Colonel and Commandant General Don Mariano Guadalupe Vallejo, also resident of the same pueblo of Sonoma, and to his heirs and successors, the land of Suisun, in quantity "four sitios de ganado mayor," which belongs to him in possession and property, bounded on the west by the rancho of Suscol and Tolenas, and on the northeast by Tolenas, as appears by the titles of ownership which are annexed to this conveyance, by which it belongs in possession and property to the grantor, who declares and gives assurance that he has not sold nor pledged it, and that it is free from tax, demands, church due, entail, charitable or pious charge, bond or other incumbrance, perpetual, temporal, special, general, tacit and expressed, and as such he sells it, with all its rights of way, improvements, uses, customs, perquisites, servitudes, and other appurtenances, which it has held, holds, and which pertains to it of right, for one thousand hard Mexican dollars, which he has received in cash, as he himself acknowledges, and he relinquishes the benefit of law 9 of title 1st, partidas 5th; and he also declares, that the just price and true value of the said land is eight thousand reales, and that it is worth no more, nor did he find one that would give so much for it; and if it is, or may be worth more, whether the excess be great or small, he makes of it, to the purchaser, his heirs and successors, a grant and donation, pure, perfect and irrevocable, being in sound mind and full understanding, and with due form. And he relinquishes the benefit of law 2d, title 1st, lib. 10, N. R., which treats of contracts of sale, barter, and others, in which there is lesion in more or less than a half of the just price, and the four years for asking its rescision, or a supplementary payment to its just value, which he considers as past in the same manner as if they had already expired; and henceforth and forever he and his heirs and successors release, desist, retire and withdraw from the dominion, property, possession, title, voice, and recourse, and whatever other right pertains to the land of Suisun, he grants, relinquishes, and makes it over, with the actions, real, personal, useful, mixed, direct and executive, to the said purchaser, and his representatives, so that he may possess, enjoy, exchange, alienate, use and dispose of it at will, as his own, acquired by legitimate and just title. And he confers upon him irrevocable power, with free, full and general administration, and appoints him his attorney in fact, in order that with his authority he may enter upon and take the said land and hold the real tenure and possession which by

right belongs to him. And that he may not need to ask me that I give him a certified copy of this conveyance, with which, without any other act of taking possession, he shall be considered as having taken possession, seisin and conveyance, and in the interim he (the vendor) constitutes himself the tenant, holder, and temporary possessor for the vendee in due form of law. And he binds himself that the said land shall be the certain, secure and full property of the vendee, and that no one shall disturb, nor institute a suit against his ownership, possession, enjoyment and profit, nor shall appear against him any incumbrance; and if anything should trouble, molest or appear against him, immediately that they are required by law, the vender and his heirs shall appear in his (the vendee's) defence, and they shall, at their own expense, pursue the matter in all the proceedings and tribunals, until the conclusion, and until the vendee and his heirs and successors shall be left in the free use and quiet and peaceable possession; and not being able to succeed, they, the vendors, shall give to him, the vendee, another piece of land equal in value, improvements, situation, rents and accommodations; and in default of this, they will restore to him the amount which he has expended, and reimburse him for the useful, necessary and voluntary improvements which he may have at that time, at the best value and appraisement which in time it may acquire, and all the costs, expenses, damages, interest or deteriorations which may be suffered or sustained; for all of which he may be executed by the mere virtue of this conveyance, and the oath of him who may possess the same, or of whosoever represents him, for which he confesses judgment without other proof. And for the observance of all the foregoing be binds his person and property, both acquired and hereafter to be acquired, and confers full power upon the magistrates and tribunals of the nation, which may be authorized by law to act in this matter, to force him to the fulfilment, as by a definitive judgment of a competent court, passed with the authority of res judicata and consented to, and as such received by him, the vendor.

(Signed) FRANCISCO his ✕ mark. SOLANO.

(Signed) SALVADOR VALLEJO.

Present witnesses:

(Signed) JOSE DE LA ROSA,

" CAYETANO JUAREZ.

I, the undersigned, certify with the attending witnesses that the preceding conveyance was issued on common paper, there being in this place no paper of the corresponding stamp.

Dated as before.

(Signed) SALVADOR VALLEJO.

Attending witnesses:

(Signed) JOSE DE LA ROSA,

" CAYETANO JUAREZ.

The above documents, as corrected in the margin, are faithful translations.

(Signed) J. B. CARR.

Filed in office, Jan'y 21st, 1852.

(Signed) GEO. FISHER, *Sec'y*.

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS, *Los Angelos, September 14th*, 1852.

On this day, before Harry J. Thornton, one of the commissioners for ascertaining and settling private land claims in California, came Pablo de la Guerra, a witness produced on behalf of the claimant, A. A. Ritchie, whose petition is No. 3 on the docket of the commission, and was duly sworn, his evidence being given in English.

1st question. What is your name, age, and place of residence?

Answer. My name is Pablo de la Guerra; my age is about 32 years; I reside in Santa Barbara, and have resided in California all my life.

2d question. Examine the papers before you and say whether you know the signatures, and whether the copy annexed hereto is a true copy of this original?

Answer. I am acquainted with the signatures of Manuel Micheltorena and Manuel Jimeno; their signatures to this paper are genuine, and the document itself is, to the best of my knowledge and belief, genuine, and are original, and the paper annexed hereto is a true copy of this original.

(Signed) PABLO DE LA GUERRA.

U. S. law agent notified and consenting, sworn to and subscribed before me, this 14th of September, 1852.

(Signed) HARRY J. THORNTON, *Comm'r*.

Filed in office, September 20, 1852.

(Signed) GEO. FISHER, *Sec'y*.

Sello quinto—Un real.

Habilitado provisionalmente, por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los anos de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

PABLO DE LA GUERRA.

[SELLO.] MICHELTORENA.

MONTEREY, *Oct'e* 30, *de* 1844.

EX'EMO S'OR:

Infe el S. s'rio universal de el despacho de esto gobierno, tomando presia meute los que necesitare.

(Firmado) MICHELTORENA.

Juana Briones, natural del departamento de Californias, y residente unla Yerba Buena, ante la alta justificacion de V. E., y como mejorhalla lugaren derecho, digoque, hallandome cargada de familia y tesimendo un numero considerable de ganado bacuno y, caballar, caresiendo de uno terreno donde tener mishos biene para su segaridad,

seme proporciona unteneno que me vende José Gorgonio ne afito de la mission de S'ta Clara, que le fue concedido, ea propriedad como consta por los documentos que adjunto a V. E., por lo que le suplico se digne concederme la licencia de comprarlo; como igua cuente lo de verderlo el proprietario pues este notime con que cultivarloy a mi meos benefica para beneficio de mi numero sa familia. Por tanto a V. E. suplico se digne accedera mi solicitud dequien esperare merced y gracia. Juro que la dicho es la verdad.

Monterey, Oct'bre 30, de 1844.

Por no saber firmar le doy poder á D. José de la Rosa.

Conforme á la voluntad del gobierno pase la interesada al juez del pueblo de S'n José, quien por la ley tiene facultad de autorizar la venta que se trata en solicitud de la vuelta, lo que concluido, todo se demebra, por dicho juez, a la interesada, pasu devido usquardo.

Monterey, Oct'bre 30, de 1844.

(Firmado) MAN'L JIMENO, *S'rio.*

Filed in office, Sept'r 20th, 1852.

(Signed) GEO. FISHER, *Sec'y.*

Stamp fifth—One real.

Provisionally authorized by the maritime custom-house of the port of Monterey, in the department of the Californias, for the years one thousand eight hundred and forty-four, and one thousand eight hundred and forty-five.

PABLO DE LA GUERRA.

[SEAL.] MICHELTORENA.

MONTEREY, *Oct'r 30th*, 1844.

Let the general secretary of the office of this government report, taking previously the examinations which he may acquire.

(Signed) MICHELTORENA.

MOST EXCELLENT SIR:

I, Juana Briones, a native of California, and resident in Yerba Buena, before your excellency high justification, and as best I may in law say, that being burdened with a family, and having a considerable number of neat cattle and horses, being in want of a land where I may keep my said property for its security, a land is offered to me which José Gorgonio, neophyte of the mission of Santa Clara, sells to me, which was granted to him in fee, as appears by the documents which I transmit to your excellency; wherefore I pray you to give me leave to purchase it; as also to the owner permission to sell it, for he has no means of cultivating it, and to me it is a benefit for my numerous family. Wherefore, I pray your excellency to have the goodness to accede to my request, of whom I will expect favor and grace. I swear that the foregoing is the truth.

Monterey, October 30th, 1844.

Not knowing how to write, I give authority to Don

(Signed) JOSÉ DE LA ROSA.

In compliance with the wish of the government, let the person interested pass to the magistrate of the puebla of San José, who, by law, has authority to authorize the sale treated of in the foregoing petition; which being finished, let all (the papers) be returned by said magistrate to the person interested for her due security.

Monterey, October 30th, 1844.

(Signed) MANUEL JIMENO.

I certify the foregoing to be a true and correct translation from the Spanish document annexed to the deposition of *Pueblo* de la Guerra, taken before Commissioner H. J. Thornton, Sept'r 20th, 1852, in case No. 3, Archibald A. Ritchie, for the place named "Suisun."

(Signed) GEO. FISHER, *Sec'y.*

Filed in office, Sept'r 20th, 1852.

(Signed) GEO. FISHER, *Sect'y.*

I, George Fisher, secretary to the board of commissioners to ascertain and settle private land claims in the State of California, do hereby certify the foregoing 15 pages, numbered from 1 to 15, both inclusive, to contain a true, correct and full transcript from the journal of proceedings of the said board in case No. 3, Archibald A. Ritchie, claimant against the United States for the place named "Suisun." I further certify the foregoing 94 pages, numbered from 15 to 109, both inclusive, to contain a true, correct and full copy of the original depositions of witnesses, and other documentary evidence on file in this office in the same case.

In testimony whereof I hereunto set my hand, and affix my private seal, not having a seal of office, at San Francisco, California, [Private seal.] this eighteenth day of May, A. D. 1853, and of the independence of the United States of America the seventy-seventh.

(Signed) GEO. FISHER, *Sec'y.*

Office of the board of commissioners for ascertaining and settling the private land claims in the State of California.

SAN FRANCISCO, *May* 19, 1853.

JOHN MONROE, esq., clerk of the United States district court for the northern district of California:

SIR: Pursuant to the requirements of the act of Congress, approved August 31, 1852, I herewith transmit you the transcript of the proceedings, &c., in case No. 3 on the docket of this board, wherein Archibald A. Ritchie is the claimant *vs.* The United States, for the place known by the name of "Suisun," and request your receipt for the same.

I am, very respectfully, your obedient servant,

GEO. FISHER, *Sec'y.*

Filed in office, May 19, 1853.

(Signed) JOHN A. MONROE, *Clerk.*

ATTORNEY GENERAL'S OFFICE,
Washington, D. C., August 18th, 1853.

ARCHIBALD A. RITCHIE, claimant,
vs.
UNITED STATES.

You will please take notice that the appeal in the above case from the decision of the commissioners to ascertain and settle private land claims in the State of California, to the district court of the United States for the northern district of California, will be prosecuted by the United States.

(Signed) C. CUSHING,
Attorney general U. S.

Filed in office, Sept. 20th, 1853.
JNO. A. MONROE, *Clerk.*

U. S. COMMISSIONER'S OFFICE.

Testimony de bene esse, by consent, waiving notice, &c.

THE UNITED STATES
vs.
A. A. RITCHIE.

Don Salvador Vallejo being duly sworn says:

Question. Did you execute the judicial possession and survey for Francisco Solano of the rancho Suisun?

Answer. I did; don't remember the year.

Question. Where did you begin the survey, and where end it?

Answer. I commenced the line in an opening of the mountains, a pass where stood a tree, near the embarcadero, about two yards from it. The tree is immediately on the estuary or creek. There was a small mound there, and some trees near it. I commenced from one of these trees. (Map "exhibit A," being shown the witness.)

Question. State whether you have compared the map with the original in the grant, and whether it is a correct representation of the grant as surveyed by you?

Answer. I have compared them, and it is a correct representation of the original, but an error exists in both, in one particular, viz., the dotted line marked "Error," in red ink, should be drawn across the slough and terminate at the point marked "C" in red ink, opposite to its present termination.

Question. Who marked the dotted lines on the original map, as they appear on this?

Answer. Joaquin Peña and Francisco Higuera, assisting witnesses in delivering possession, marked them when I returned from making the survey and delivering possession, somewhere between the year 1842 and '45—the papers will show.

Question. For what purpose were these dotted lines made?

Answer. For the information of all persons interested, and to define the boundaries of the land.

Question. Were the lines which you actually measured, and now upon the land, the same with those indicated on the map?

Answer. The lines run by me were probably not as straight as those indicated by the dots on the maps, because we had to wind around the mountains in running them. The lines on the plains were run straight, but those among the mountains were varied somewhat. I used a compass and rope for measuring. The rope was measured by Spanish yards, before we commenced survey. We surveyed entirely around the tract. We marked the corners, and I gave orders for setting the corner posts. I calculated the area after survey, and made it four (4) leagues of land. I was a civil judge, and military commander, at this time. I executed it as judge. I was first alcalde at the time.

I knew Francisco Solano; he was a Roman catholic, and in regular communion with the church at that time.

I have seen him vote and exercise the right of citizenship. I knew him to be an officer of the Mexican army.

Question. Can you mark with a cross the position of the tree near the embarcadero, of which you spoke?

Answer. I can; and have so marked it.

(Signed) SALVADOR VALLEJO.

Sello tercero—Dos reales.

Habilitado provincionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ANTONIO MARIA OSIO.

ALVARADO.

[SEAL.] Rehabilitado por la misma para el año de mil ochocientos cuarenta y dos.

ANTONIO MARIA OSIO.

ALVARADO.

El que subscribe, secretaria del gobierno departmental, certifico que el diceño que se demuestra a la buelta a ecsactamente igual al original que corre aggregado en el espediente respectivo el cual exsiste en la s'rio de mi carga.

Monterey, 15 de Marzo, de 1852.

MAN'L JIMENO.

Third stamp—Two reals.

Licensed provisionally by the maritime custom-house of the port of Monterey, in the department of Californias, for the years 1840 & 1841.

(Signed) ALVARADO.

(Signed) ANT'O. MA. OSIO.

[Custom-house seal.] Relicensed by the same for the year 1842.

(Signed) ALVARADO.

(Signed) ANTO. MA. OSIO.

The undersigned, secretary of the departmental government, certifies that the drawing on the other side is exactly equal to the original which is attached to the respective expediente, which exists in the office under my charge.

Monterey, 15th March, 1842.

(Signed) MANUEL JIMENO.

Exhibit C.

Third stamp—Two reals.

Licensed provisionally by the custom-house of the port of Monterey, in the department of California, for the years 1840 and 1841.

(Signed) ALVARADO.

(Signed) ANTONIO MA. OSIO.

[Custom-house seal.] Relicensed by the same in the year one thousand eight hundred and forty-two.

(Signed) ALVARADO.

(Signed) ANTO. MA. OSIO.

[For map see original, page 116.]

I have examined the map to which this is attached, and compared it with the original now on file in this office, and find it to be a copy in words and lines, so far as the portion delineated in black ink is concerned, and the delineation of the boundaries.

(Signed) LEANDER RANSOM,
Asst. sur. general.

Surveyor General's Office, San Francisco, Cala., Oct. 26th, 1853.

UNITED STATES OF AMERICA,
Northern district of California, ss.

I, Henry B. Janes, a commissioner duly appointed by the district court of the United States, for the northern district of California, under and by virtue of the acts of Congress, entitled "An act for the more convenient taking of affidavits and bail in civil causes, depending in the courts of the United States," passed February 20th, 1812, and the act of Congress entitled "An act, in addition to an act, entitled 'An act for the more convenient taking of affidavits and bail in civil causes, depending in the courts of the United States,' " passed March 1st, 1817, and the act entitled "An act to establish the judicial courts of the United States," passed September 24th, 1789, do hereby certify, that the reason for taking the foregoing deposition is, and the fact is, the witness was material and necessary in the cause in the caption of the said deposition named, and that the same was taken by consent of parties interested.

I further certify, that on the 26th day of October, in the year of our

Lord one thousand eight hundred and fifty-three, I was attended by Volney Howard, esq., and S. W. Inge, esq., counsel for the parties, and by the witness who was of sound mind and lawful age; and the witness being by me first carefully examined and cautioned, and sworn to testify the truth, the whole truth, and nothing but the truth, and the deposition was by me reduced to writing, in the presence of the witness and from his statements, and after carefully reading the same to the witness who subscribed the same in my presence. I have retained the said deposition in my possession, for the purpose of returning the same with my own hand to the court for which the same was taken.

And I do further certify, that I am not of counsel nor attorney for either of the parties in said deposition and caption named, nor in any way interested in the event of the cause named in the said caption.

In testimony whereof, I have hereunto set my hand and seal, this 26th day of October, in the year of our Lord one thousand eight hundred and fifty-three, and of the independence of the United States the seventy-eighth.

[Seal of U. S. Court.]

(Signed) HENRY B. JANES,
United States commissioner, duly appointed by the district court of the United States, for the northern district of California.

Filed in office, Oct. 26th, 1853.

JOHN A. MONROE, *Clerk.*

Third seal—Two reals.

Provisionally authorized by the maritime custom-house of the port of Monterey, in the department of the Californias, for the years eighteen hundred and forty, and eighteen hundred and forty-one.

(Sd.) ANTONIO MARIA OSIO.
Private mark.

(Sd.) ALVARADO.
Private mark.

Reauthorized by the same for the year eighteen hundred and forty-two.

(Sd.) ANTONIO MARIA OSIO.
Private mark.

(Sd.) ALVARADO.
Private mark.

The undersigned, secretary of the departmental government, certify that the design which is exhibited on the following page is exactly similar to the original which is added to the respective "expediente," which exists in the office under my charge.

[Custom-house seal of Monterey.]

Monterey, 15th March, 1842.

(Sd.) MANUEL JIMENO.
Private mark.

The above deposition was taken in open court, in the presence of the U. S. district attorney, by consent.

JNO. A. MONROE, *Clerk.*

Filed in office, November 8th, 1853.

JNO. A. MONROE, *Clerk.*

Sello tercero—Dos reales.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ANTONIO MARIO OSIO.

ALVARADO.

Rehabilitado por la misma, para el año de mil ochocientos cuarenta y dos.

ANTONIO MARIA OSIO.

ALVARADO.

[SEAL.]

El que subcribe, secretaria del gobierno departamental, certifica que el diceno que se demuestra á la buelta a exsactmente igual al original que corre agregado en el espediente respectivo el cual exsiste en la s'rio de mi cargo.

Monterey, 15th de Marzo, de 1842.

MAN'L JIMENO.

Exhibit C.

[For map see original, page 122.]

OFFICE OF SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States, for the State of California, and as such having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify, that the 2 preceding and hereunto annexed pages of tracing paper, numbered from one to two inclusive, exhibit a true and accurate copy of a certain document now on file, and forming a part of the said archives in this office, it having been deposited by A. A. Ritchie, esq., with a request that it be filed with the archives, on the 14th day of August, 1853.

In testimony whereof I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San [SEAL.] Francisco, this twenty-seventh day of October, 1853.

JOHN C. HAYS,
U. S. Surveyor General for California.

[REC. CXLVIII, D. T., 1853.]—7

Extract from the 2nd section of the act of Congress "providing for the survey of public lands in California, and for other purposes," approved March 3d, 1853.

"The Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said surveyor general, [California;] and any copy or extract from the plats, field notes, and other records and documents on file in his office, when attested as such by the said seal and the signature of the surveyor general, shall, in all judicial matters, have the same force and effect as the original."

UNITED STATES DISTRICT COURT,
Northern district of California.

THE UNITED STATES, appellants,
vs.
ARCHIBALD A. RITCHIE, appellee.

Special term. November 8th, 1853.

Jose de la Rosa being duly sworn, in open court, deposes and says: I knew Francisco Solano, of Suisun; he was a Roman catholic; he was married. I was present, on two occasions, when he was married; he was married three times; he was married in church, according to the form of the Catholic church; his wives were christians; they were Indians; he was considered a legal voter in Suisun. I saw him vote twice, in the year 1839. Solano received a commission as captain of infantry, signed by General Bustamente, then president of Mexico. I have held that commission in my hands, and have seen it. There was an adobe house built at Suisun in 1842.

(Signed) JOSE DE LA ROSA.

The above deposition was taken, in open court, in the presence of the U. S. district attorney, by consent.

Filed in office, November 8th, 1853.

JNO. A. MONROE, *Clerk.*

UNITED STATES OF AMERICA,
Northern district of California, ss.

Archibald A. Ritchie, of the town of New Castle, and State of Delaware, being duly sworn, says, that during the last three years he has made diligent and frequent search for a copy or record of the "judicial possession" of the "land of Suisun;" that he has thoroughly examined the few remaining records of the alcalde's office, of the former district of Sonoma, which are now in charge of the recorder of Sonoma, and has sought everywhere he thought information in regard to said record might be obtained, without being able to get any knowledge or trace of it. And that he has been informed, and believes it to be true, that said record of the judicial possession of Suisun was, with many other public documents, taken from the Mexican alcalde's pos-

session in June, 1846, and destroyed by the American invaders, usually styled the "Bear party," who attacked and took possession of Sonoma in the month and year last above written; and further deponent saith not.

(Signed) A. A. RITCHIE.

Sworn to before me, this 8th day of November, 1853.

HENRY B. JANES, *U. S. Comm'r.*

Filed in office, November 8th, 1853.

JNO. A. MONROE, *Clerk.*

At a special term of the district court of the United States of America, for the northern district of California, held at the court-room in the city of San Francisco, on Tuesday, the eighth day of November, in the year of our Lord one thousand eight hundred and fifty-three.

Present: The honorable Ogden Hoffman, jr., district judge.

THE UNITED STATES, app'ts,
vs.
ARCHIBALD A. RITCHIE.

This cause having come up on appeal from the board of commissioners to ascertain and settle private land claims in California, and the objection urged by the district attorney to the confirmation of the decree of said board having been duly considered, it is now ordered, adjudged, and decreed by the court, that the said decree and decision of the said board be and the same is hereby confirmed.

(Signed) OGDEN HOFFMAN, Jr.,
U. S. dist. judge.

Filed in office, Nov'r 8th, 1853.

JNO. A. MONROE, *Clerk.*

THE UNITED STATES, appellant,
vs.
ARCHIBALD A. RITCHIE, appellee.

To the honorable the Supreme Court of the United States.

The appeal of the United States, the above appellant, respectfully showeth, that on the twenty-first day of January, A. D. 1852, the abovenamed appellee filed a claim before the United States commissioners for ascertaining and settling the private land claims in the State of California, under the act of Congress of March 3d, 1851, praying for their confirmation of his right and title to certain lands therein described.

That on the third day of January, A. D. 1852, a final decree was made by said board of commissioners confirming said claim, wherein it was in substance adjudged that the said appellee had a good and lawful right and title to said lands described in said claim.

That after such final decree, an appeal was duly taken according to law therefrom to the district court of the United States, for the northern district of California, and the cause was removed thereby unto the said district court, and there tried anew, and such proceedings were had in the said district court, that afterwards, to wit, on the eighth day of November, A. D. 1853, the said district court made a final decree, whereby it was decreed that the said decree of the said board of commissioners be in all things confirmed.

Which said decree of the said district court is, as this appellant is advised, erroneous, and ought to be reversed.

Wherefore this appellant appeals from the whole of said decree of said district court to the Supreme Court of the United States, and respectfully prays that the said decree of the said district court, and all the pleadings, evidence, and proceedings in said cause, may be sent to the Supreme Court of the United States without delay, and that the said Supreme Court will proceed to hear the said cause anew; and that the said decree of the district court, and every part thereof, may be reversed, and a decree made rejecting said claim, with costs against the said appellee, or such other decree as to the said Supreme Court shall seem just.

(Signed) S. W. INGE,
U. S. dist. attorney.

Dated, San Francisco, Nov'r 8th, A. D. 1853.

Filed in office, Nov'r 10, 1853.

JNO. A. MONROE, *Clerk.*

By the Hon. Ogden Hoffman, jr., judge of the United States for the northern district of California.

To Archibald A. Ritchie:

Whereas the United States have lately appealed to the Supreme Court of the United States, from a decree lately rendered in the United States district court, for the northern district of California, in favor of you, the said Archibald A. Ritchie, confirming your claim to the tract of land called the Suisun, and against the said United States. You are therefore hereby cited to appear before the said Supreme Court, at the city of Washington, on the first Monday of December next, to do and receive what may appertain to justice to be done in the premises.

Given under my hand at the city of San Francisco, in the northern district of California, the 8th day of November, A. D. 1853, and in the year of independence of the United States the seventy-eighth.

(Signed) OGDEN HOFFMAN, JR.,
U. S. district judge.

Filed in office, November 10th, 1853.

JNO. A. MONROE, *Clerk.*

NORTHERN DISTRICT OF CALIFORNIA,
United States district court.

I, John A. Monroe, clerk of the United States district court, for the northern district of California, hereby certify, that the annexed pages, from 1 to 132 inclusive, contain a full and true transcript of the record transmitted from the office of the board of land commissioners to settle private land claims in California, together with the additional testimony, pleadings, orders, and decree in this court, in the case No. 3, wherein The United States, appellant, vs. Archibald A. Ritchie, appellee, are parties.

In testimony whereof I have hereunto set my hand, and affixed the seal of said court, the 15th day of November, A. D. 1853, [SEAL.] and of the independence of the United States the seventy-eighth.

JOHN A. MONROE, *Clerk.*